

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KYLE LYDELL CANTY
Plaintiff

FILED
— ASKED MAIL
RECEIVED

VS.

AUG 29 2017

AT SEATTLE
CLERK'S OFFICE, DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

CITY OF SEATTLE, et al
Defendants.

Case No. 2:16-cv-01655-
RAJ - JPD

EMERGENCY
MOTION
PURSUANT TO
42 U.S.C. 1997d
PROHIBITION
OF
RETALIATION
"ORAL ARGUMENT
REQUESTED"
NOTE ON MOTION
CALENDAR
AUGUST 2017

COMES NOW, the Plaintiff Kyle
Lydell Canty

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STATE OF WASHINGTON,

FILED
LOGED
RECEIVED
MAIL

AUG 29 2017

AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON
DEPUTY

8

Plaintiff,) No. 16-1-06917-3 SEA

9 vs.)

10 KYLE LYDELL CANTY,) TRANSCRIPT OF OFFICER HUDSON

11) KANG INTERVIEW

12 Defendant.)

13)

14)

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ATD PARROTTA: Are we all ready?

INV LATOURETTE: Yep.

ATD PARROTTA: Did you wanna...

DPA PETERSEN: I'm ready.

ATD PARROTTA: put us on the record?

INV LATOURETTE: Sure. This is investigator Dave LaTourette. It's the twenty-ninth
of March, two thousand seventeen. It's approximately ten-ten a.m.
We're in the prosecutor's office for a defense interview of Seattle
Police Department Officer Hudson Kang, regarding the Kyle
Canty case, cause number sixteen dash one dash zero-six-nine-one-

TRANSCRIPT OF OFFICER HUDSON KANG
INTERVIEW - 1
1704-024

Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

16-1-06917-3 SEA

Canty_K 0367

1 seven dash three. Uh, also present is Sandro Parrotta, uh counsel
2 for the defense, and the DPA is Jennifer Peterson. Officer Kang,
3 could you spell your name, state your name, and then give us
4 permission for uh recording the audio, please?

5 OFC KANG: M'kay. First name's Hudson, the last name Kang, H-U-D-S-O-N
6 K-A-N-G, and yes on the recording.

7 INV LATOURETTE: Thank you.

8 ATD PARROTTA: Sandro Parrotta, S-A-N-D-R-O P-A-R-R-O-T-T-A, defense
9 attorney, I agree to be recorded.

10 DPA PETERSEN: Jennifer Petersen, P-E-T-E-R-S-E-N, and I agree to be recorded.

11 ATD PARROTTA: Uh, Officer Kang, uh how long have you been a uh Seattle Police
12 Officer?

13 OFC KANG: Seattle Police Officer just under three years. It'll be three years
14 July first.

15 ATD PARROTTA: Uh, were you a police officer prior to that?

16 OFC KANG: I was a reserve police officer with the city of Union Gap uh for
17 approximately five years.

18 ATD PARROTTA: Do you have all the basic officer training?

19 OFC KANG: Yes.

20 ATD PARROTTA: Can you briefly describe it? You don't have to go...

21 OFC KANG: Yeah, as a reserve police officer we did this--about--believe about
22 four hundred twenty hours of um academy training, including
23 crim-criminal law, um patrol procedures. Um, also four hundred

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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
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1 twenty hours with the basic law enforcement academy at the
2 Washington State Academy, um which was about four and a half
3 months.

4 ATD PARROTTA: And have you had any um I guess ongoing training um...

5 OFC KANG: Yeah, a lot a training with the Seattle Police Department.

6 ATD PARROTTA: Do you ever do any kind of um deescalating training or uh--you
7 know, uh dealing with uh cases, you know, that are kind a difficult
8 uh...

9 OFC KANG: Yes, all the time.

10 ATD PARROTTA: All the time.

11 OFC KANG: Yeah.

12 ATD PARROTTA: Can you describe the deescalating training, uh where you--where
13 you took any courses or any materials you read on that?

14 OFC KANG: Mm-hm. We--I know a lot a the officers do the uh crisis
15 intervention training, um...pretty...

16 ATD PARROTTA: Have you...

17 OFC KANG: much...

18 ATD PARROTTA: have you done that?

19 OFC KANG: The eight or nine-hour one, not the forty-hour one, which is
20 required. The forty-hour one is not required yet, but I believe
21 they're gonna go--have every officer go through it.

22 ATD PARROTTA: And did you say nine-hour training?

23 OFC KANG: Yeah, eight or nine hours...

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INTERVIEW - 3**

Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: Eight or nine.
2 OFC KANG: yeah.
3 ATD PARROTTA: A-and what's the gist of this crisis intervention training?
4 OFC KANG: Just how to deal with people uh with different disabilities, mental
5 ill-illnesses, um how to talk to them, uh different kind of ways to
6 pretty much confront those subjects.
7 ATD PARROTTA: M'kay. And have you been able to um utilize those uh techniques
8 and skills uh in-in your work?
9 OFC KANG: Oh yeah, absolutely.
10 ATD PARROTTA: And when did you uh take that course?
11 OFC KANG: We do it once every year. I did one--I recently just did one. I-I
12 don't quite remember when, but I took it twice.
13 ATD PARROTTA: Now this case initially involved a different incident, is that correct?
14 OFC KANG: What do you mean by that?
15 ATD PARROTTA: Um, ma-maybe you weren't involved in it. Isn't it true that uh
16 initially there was a suspect bein' arrested for uh-uh suspicion of
17 uh possession of narcotics?
18 OFC KANG: Yes.
19 ATD PARROTTA: 'Kay. Can you tell me a little bit about that? You don't have to go
20 into too much detail.
21 OFC KANG: Yeah, I was--I had--so I was just on a premise...
22 ATD PARROTTA: Mm-hm.
23
24

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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 OFC KANG: in the four hundred block of Pine, which is Westlake Park. I heard
2 Officer Merritt and Officer Gordillo call out the foot pursuit...
3 ATD PARROTTA: Okay.
4 OFC KANG: or bike pursuit.
5 ATD PARROTTA: M'kay.
6 OFC KANG: Um, gave a description of the male suspect. And I see the male
7 suspect, and I see Officer Merritt um pursuing the suspect through
8 the alley through Westlake Park.
9 ATD PARROTTA: 'Kay.
10 OFC KANG: So I begin to assist and pursue on foot um to help them detain the
11 suspect. Eventually, he was caught in the th-three hundred block
12 of Pike, alley to the south by Officer Merritt I believe.
13 ATD PARROTTA: And while that individual is being handcuffed and patted down,
14 and when you arrived, how many--if you can recall--how many
15 officers were there?
16 OFC KANG: When I first arrived on scene it was just me and Officer Merritt
17 and another officer who was on a bic--bike mo-mountain bike.
18 ATD PARROTTA: Was that Gordillo?
19 OFC KANG: I--you know, I have no idea. I don't recall. Could a been uh cause
20 they're partners, but they were--usually on-on a-on an everyday
21 basis there's three bike squads and they're all in the same area.
22 ATD PARROTTA: Was there a police motor vehicle there when you arrived?
23 OFC KANG: When I first arrived, no.

24 TRANSCRIPT OF OFFICER HUDSON KANG
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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: 'Kay. Did one eventually arrive?

2 OFC KANG: Yes.

3 ATD PARROTTA: And was the suspect eventually put in that vehicle?

4 OFC KANG: Yes.

5 ATD PARROTTA: 'Kay. Do you remember how many officers were in that vehicle?

6 OFC KANG: Mm...six or seven at the time.

7 ATD PARROTTA: Oh--so a uh--cause uh-eh was it uh--what kind a vehicle was it?

8 OFC KANG: Oh, you mean in that one vehicle?

9 ATD PARROTTA: Yeah.

10 OFC KANG: Oh, just one officer.

11 ATD PARROTTA: One officer.

12 OFC KANG: Yeah.

13 ATD PARROTTA: Okay. And then when it uh--when it arrived then there was about

14 six or seven police officers there?

15 OFC KANG: Yes.

16 ATD PARROTTA: 'Kay. And can you tell me, uh I guess slowly and in sections,

17 how--from your recollection or, you know, if you have to look at

18 your report from time-to-time that's fine--uh how uh you and Mr.

19 Carty uh initially came into uh contact?

20 OFC KANG: Yeah. So suspect was taken into custody, the original suspect.

21 ATD PARROTTA: Mm-hm.

22 OFC KANG: Um, I assisted the bike officers walkin' the suspect over to the car

23 uh to conduct the search uh to arrest. I go back, get Officer

24
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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
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1 OFC KANG: Tackle, no.

2 ATD PARROTTA: No? How did...

3 OFC KANG: No.

4 ATD PARROTTA: then how did they app--attempt to apprehend him...

5 OFC KANG: As soon as...

6 ATD PARROTTA: if he's running?

7 OFC KANG: they went hands on with Kyle Canty, I notice Kyle Canty

8 attempting to kind a escape f-from both those officers using his

9 shoulders, using his weight to push them off. Um, Kyle Canty's

10 back was also towards uh those two officers. Um, do you get...

11 ATD PARROTTA: Okay.

12 OFC KANG: do you get that?

13 ATD PARROTTA: Yeah. If-if I--yeah, so everyone's back's towards you?

14 OFC KANG: Yes.

15 ATD PARROTTA: Okay. Um...

16 OFC KANG: And at the time Kyle Canty's, again, using his should--using his

17 weight, using his arms to free himself.

18 ATD PARROTTA: 'Kay. And-and where are you standing uh in relation to all those

19 three at this point?

20 OFC KANG: That happened so quickly, I'm still tryin' to make my way over to

21 them.

22 ATD PARROTTA: 'Kay. So you're behind them?

23 OFC KANG: Right. And I'm not hands on at this time.

24 TRANSCRIPT OF OFFICER HUDSON KANG
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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: Okay. And are you directly behind them?

2 OFC KANG: Yep, directly behind them.

3 ATD PARROTTA: Okay. And then...and then what happens?

4 OFC KANG: I see Kyle Carty get loose--get free from believe it was Officer

5 Myers' grip, and I see Kyle Carty turn around facing Officer

6 Gordillo and Officer Myers...

7 ATD PARROTTA: Mm-hm.

8 OFC KANG: and I see a right hook, uh right punch--he throws a right punch

9 towards Officer Gordillo, striking him in the left temple area of

10 Officer Gordillo, which broke his helmet as well. Uh, and then as

11 soon as that happened, I mean I was--I-I went hands on. Um, and

12 Officer Gordillo and Officer Myers, I believe, uh took him down to

13 the ground um using their body weight.

14 ATD PARROTTA: 'Kay. So they tackled him?

15 OFC KANG: (Unintelligible)--yeah.

16 ATD PARROTTA: Uh-uh, you know, it's...

17 OFC KANG: To me tackle is someone's running towards you and...

18 ATD PARROTTA: Yeah, okay.

19 OFC KANG: um pretty much runs into you and grabs you by the waist and

20 throws you down.

21 ATD PARROTTA: Okay.

22 OFC KANG: And they weren't--they weren't running or anything. They were

23 movin' their feet, obviously...

24
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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: Yeah.
2 OFC KANG: but they just kind a pretty much picked him up...
3 ATD PARROTTA: Yeah.
4 OFC KANG: and used their body weight...
5 ATD PARROTTA: Yeah.
6 OFC KANG: put him down to the ground.
7 ATD PARROTTA: Okay, sa--so they--uh did they both pick him up and put him on the
8 ground or did one of 'em have a better grip than the other?
9 OFC KANG: That I don't know.
10 ATD PARROTTA: Okay.
11 OFC KANG: Yeah.
12 ATD PARROTTA: But it looked like to you...
13 OFC KANG: Yeah.
14 ATD PARROTTA: like both of 'em picked him up and took him to the ground?
15 OFC KANG: Most likely yeah.
16 ATD PARROTTA: Okay.
17 OFC KANG: Just cause both of them were hands-on.
18 ATD PARROTTA: 'Kay. And-and they're both over--they're both about six feet, six
19 one, Gordillo...
20 OFC KANG: Uh, yes.
21 ATD PARROTTA: and Myers? M'kay. Um, and then uh--and then y--uh you and
22 Officer Kennedy uh...
23 OFC KANG: Yes.
24

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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: got involved?
2 OFC KANG: Yep.
3 ATD PARROTTA: And how many officers total eventually were on top of tryin' to
4 detain Kyle Canty?
5 OFC KANG: Believe it was four total.
6 ATD PARROTTA: 'Kay. Any more th...
7 OFC KANG: F-four, yeah.
8 ATD PARROTTA: more than that?
9 OFC KANG: Other officers might a been there, but they were probably as a
10 cover officer...
11 ATD PARROTTA: Right.
12 OFC KANG: watching for other threats.
13 ATD PARROTTA: 'Kay. And was Kyle Canty eventually taken into custody?
14 OFC KANG: Yes.
15 ATD PARROTTA: Were you there for that?
16 OFC KANG: Yes.
17 ATD PARROTTA: Did you observe that?
18 OFC KANG: Yes. I believe--I-I placed the handcuffs on him I believe.
19 ATD PARROTTA: Oh, 'kay.
20 OFC KANG: So, I'm gonna look through my um statement real quick. Yes, I
21 place the handcuffs on him.
22 ATD PARROTTA: M'kay. And um did you take him to a patrol car or did somebody
23 else take him to a patrol car?
24

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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 OFC KANG: I'm done with him, Kyle Canty...

2 ATD PARROTTA: Yeah.

3 OFC KANG: so I'm just gonna still be here as a cover officer, make sure Officer
4 Gordillo behind me is okay. And...as soon as I looked at Officer--
5 my-my-my focus wa-was on Officer Gordillo at the time now.

6 ATD PARROTTA: Okay.

7 OFC KANG: Cause I knew Officer Myers was dealin' with Kyle Canty. So I
8 look at Officer Gordillo, he seems like he's doing fine. So I look
9 over a little bit and I see Kyle Canty turn around and shove Officer
10 Myers, pushing him like in the chest area.

11 ATD PARROTTA: 'Kay. Did--so you took your eyes off of uh Canty and Myers for a
12 second, is...

13 OFC KANG: Yeah...

14 ATD PARROTTA: is that...

15 OFC KANG: for a quick second.

16 ATD PARROTTA: 'Kay. Uh, did you see--uh but just before that you said Myers was
17 walking towards Kyle Canty as he was backing up, is that correct?

18 OFC KANG: I'm sorry, what was that? Who was?

19 ATD PARROTTA: Just...uh you said Kyle Canty was backing up and then Officer
20 Myers was walking towards Kyle Canty?

21 OFC KANG: No, he wasn't walking towards Canty. Officer--I believe Officer
22 Myers was just addressing Canty, saying, hey, you need to back
23 off, you need to leave the scene.

24
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W554 King County Courthouse
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1 ATD PARROTTA: Mm-hm.
2 OFC KANG: Uh, that's--and then I just kind a turned towards Officer Gordillo.
3 ATD PARROTTA: Okay. And then uh when you seen Carty--you-you said you seen
4 Carty push Officer Myers, did he uh-uh can you describe that
5 because we're not being video-taped? Was it one hand...
6 OFC KANG: Yeah. He...
7 ATD PARROTTA: two hands, um...
8 OFC KANG: It was two hands.
9 ATD PARROTTA: Mm-hm.
10 OFC KANG: For a quick second I looked around and I saw Kyle Carty shove
11 Officer Myers with both hands, open-open hand, palm.
12 ATD PARROTTA: Mm-hm.
13 OFC KANG: No fist. And push Officer Myers and hitting in the chest area. Just
14 above...
15 ATD PARROTTA: (Unintelligible)...
16 OFC KANG: the stomach.
17 ATD PARROTTA: Okay. And uh at that point how far were those two from where
18 you and Mr. Carty were s-standing originally when Mr. Carty and
19 you were...
20 OFC KANG: I mean, they probably about five feet away...
21 ATD PARROTTA: Uh...
22 OFC KANG: from each other, yeah.
23
24

TRANSCRIPT OF OFFICER HUDSON KANG
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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: No, from that--um, you told Mr. Canty--you and Mr. Canty were uh
2 lookin' at each other face-to-face, correct?
3 OFC KANG: Yeah, we were--we were probably about uh five-five feet away.
4 ATD PARROTTA: Yeah. And uh Mr. Canty, you said earlier, never attempted to go
5 in the alley and uh, well, basically listened to y-y--uh obeyed you
6 uh in terms of not going into the alley.
7 OFC KANG: He didn't confirm that, but he just didn't make any moves to step
8 into...
9 ATD PARROTTA: Okay.
10 OFC KANG: the alley, yeah.
11 ATD PARROTTA: Okay. So when you were talking to Kyle Canty at that spot, how
12 far away were Kyle and Officer Myers in relation to where you and
13 Kyle Canty were standing when that shove occurred?
14 OFC KANG: Uh, maybe about between five and ten feet.
15 ATD PARROTTA: Five and ten feet.
16 OFC KANG: Yes.
17 ATD PARROTTA: Uh (ringing) my apologies.
18 OFC KANG: (Unintelligible).
19 ATD PARROTTA: Five-five and ten feet. Um...five and ten feet in which direction?
20 OFC KANG: Uh, let's see. East and west.
21 ATD PARROTTA: Okay.
22 OFC KANG: Yeah.
23 ATD PARROTTA: Okay. And uh I'm just...
24

TRANSCRIPT OF OFFICER HUDSON KANG
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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 OFC KANG: Officer Myers was east of him...

2 ATD PARROTTA: Yeah.

3 OFC KANG: as Kyle Canty's kind a, again...

4 ATD PARROTTA: Yeah.

5 OFC KANG: bouncin' around.

6 ATD PARROTTA: 'Kay.

7 OFC KANG: Not sure what he's doin'.

8 ATD PARROTTA: And it sou--have you reviewed any a the other police officers
9 reports in this case?

10 OFC KANG: No.

11 ATD PARROTTA: Okay. And when uh--so (ringing)--I thought I turned that off. I
12 apologize. 'Kay. Hang on. M'kay. I'm not hearin' anything, so.
13 Um...uh did you s--uh-eh did you s--ever see Officer Myers push
14 Kyle Canty first?

15 OFC KANG: No.

16 ATD PARROTTA: 'Kay. Um, if something else would've happened when you're--
17 when you weren't looking, obviously, you wouldn't know about it
18 cause you didn't see it?

19 OFC KANG: Right.

20 ATD PARROTTA: Okay. When--okay, so what happens after you saw that?

21 OFC KANG: Officer Gordillo p-p--approached Officer Myers...

22 ATD PARROTTA: Mm-hm.

23 OFC KANG: and asked him did he just push you.

24 TRANSCRIPT OF OFFICER HUDSON KANG
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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: Mm-hm.
2 OFC KANG: Officer Myers said yes. And they both decided let's go arrest him.
3 ATD PARROTTA: M'kay. And...
4 OFC KANG: I just overheard...
5 ATD PARROTTA: (unintelligible)...
6 OFC KANG: that.
7 ATD PARROTTA: You overheard that. Okay, so...
8 OFC KANG: Yeah.
9 ATD PARROTTA: did you see it?
10 OFC KANG: No one asked me...
11 ATD PARROTTA: Yeah. Uh...
12 OFC KANG: uh no one asked me if-if I saw the push or if he pushed me.
13 ATD PARROTTA: Okay.
14 OFC KANG: Uh, I just overheard Officer Gordillo asking Officer Myers did he
15 just push you.
16 ATD PARROTTA: Okay. When you overheard it where were you standing and where
17 were you looking?
18 OFC KANG: I was still close to the alley I believe. Yeah, still close to the alley.
19 ATD PARROTTA: Okay. And then what happened, uh...
20 OFC KANG: I observed Officer Gordillo and Officer Myers...first walk towards
21 Kyle Canty.
22 ATD PARROTTA: Mm-hm.
23
24

TRANSCRIPT OF OFFICER HUDSON KANG
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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
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(206) 296-9000, FAX (206) 296-0955

1 OFC KANG: I don't know if he--uh if they said, hey, you're under arrest or
2 what-whatnot. And then I observe Kyle Canty proceed to run
3 away from Officer Myers and Officer Gordillo.
4 ATD PARROTTA: Mm-hm.
5 OFC KANG: Then I saw both those officers chase after the--after Kyle Canty.
6 ATD PARROTTA: 'Kay.
7 OFC KANG: Just a few feet he was apprehended. Um...
8 ATD PARROTTA: When you say apprehended, wa...
9 OFC KANG: I'm sorry, that's the wrong term.
10 ATD PARROTTA: Yeah.
11 OFC KANG: He was being attempted to-to be detained by those two officers.
12 Those officers were attempt to-to detain him [sic].
13 ATD PARROTTA: Okay. And those officers uh would they have had their back to
14 you when they were...
15 OFC KANG: Yes.
16 ATD PARROTTA: (unintelligible)...
17 OFC KANG: And I was about approximately ten feet away, ten-fifteen feet.
18 Well, probably about ten feet away from them.
19 ATD PARROTTA: Okay.
20 OFC KANG: And I was following.
21 ATD PARROTTA: Okay. And uh did they have to chase him very long to catch him?
22 OFC KANG: Not very long.
23 ATD PARROTTA: Okay. Did anybody tackle Kyle Canty?
24

TRANSCRIPT OF OFFICER HUDSON KANG
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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 Merritt's bicycle to secure it so no one steals it, as I'm gonna--uh
2 positioning his bicycle I see a gentleman, Kyle Carty, uh on the
3 sidewalk shouting at the arrestee. Something about give me your
4 phone number or someone else's phone number, uh so they're just
5 talkin' back and forth.

6 ATD PARROTTA: And-and I read your report, so.

7 OFC KANG: Mm-hm.

8 ATD PARROTTA: Uh, and you allowed that to go on for a bit? 

9 OFC KANG: Yep. I even told Kyle Carty you are allowed to stay here, and you
10 are allowed to do whatever you please, just don't obstruct what
11 these officers are doin'. 

12 ATD PARROTTA: M'kay.

13 OFC KANG: So I approached him. Uh, I was in the alleyway. He was still on
14 the sidewalk, and him and I, we just begin to talk as he's still
15 shouting over to the arrestee.

16 ATD PARROTTA: And did Mr. Carty ever um make any movement to go past you to
17 go talk to the arrestee?

18 OFC KANG: No.

19 ATD PARROTTA: No?

20 OFC KANG: I informed him uh do not c--do not step into the alleyway.

21 ATD PARROTTA: Okay. And uh did he ever step into the alleyway?

22 OFC KANG: No.

23 ATD PARROTTA: Okay. Uh, so then what happens?

24 TRANSCRIPT OF OFFICER HUDSON KANG
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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 OFC KANG: He's just yelling at m-me and other officers, and also still the
2 arrestee. Uh, he's using profanity, saying F-you to us. I don't
3 know how many times. Um, he's saying the Seattle Police
4 Department's getting sued. This particular detective's getting
5 sued. I don't remember the detective's name. That person's
6 getting sued. And ask--I'm-I'm asking him why are we getting
7 sued? He won't answer my question. So I tell him again, hey, you
8 are free to stay here, you are free to do whatever you please to do,
9 film, record, just do not step into the alleyway.

10 ATD PARROTTA: And...

11 OFC KANG: He seemed pretty upset, pretty agitated.

12 ATD PARROTTA: And when...this was going on...how many officers are at the
13 scene at this particular moment?

14 OFC KANG: Believe there's--well, there's a supervisor there and there's
15 about...

16 ATD PARROTTA: Who's the supervisor?

17 OFC KANG: I believe it was Sergeant Brown--Robert Brown, Sergeant Robert
18 Brown.

19 ATD PARROTTA: Robert Brown, okay.

20 OFC KANG: And he's with the mountain bike...

21 ATD PARROTTA: This is gonna be a naïve question. So uh when a supervisor is
22 there--supervisor--would that be a sergeant? Sergeant...

23 OFC KANG: Yes.

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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: Sergeant Robert Brown. So does he just watch and just stay out of
2 it?
3 OFC KANG: He responded...
4 ATD PARROTTA: And...
5 OFC KANG: I believe he re--if I remember right, I believe he
6 ATD PARROTTA: Yeah.
7 OFC KANG: responded after the whole incident happened.
8 ATD PARROTTA: Yeah.
9 OFC KANG: Including the arrestee and Kyle Canty. I believe...
10 ATD PARROTTA: Right.
11 OFC KANG: he responded after that.
12 ATD PARROTTA: We all supervisors...
13 OFC KANG: Right.
14 ATD PARROTTA: (unintelligible).
15 OFC KANG: Cause they usually don't come out...
16 ATD PARROTTA: Yeah.
17 OFC KANG: unless we ask them to come out to screen the arrest and the
18 incident.
19 ATD PARROTTA: Okay. And uh I imagine part a this is to um assess officers um on
20 the job, work performance--work evaluations?
21 OFC KANG: Um, yeah.
22 ATD PARROTTA: Yeah.
23 OFC KANG: Yeah.

24
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W554 King County Courthouse
516 Third Avenue
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1 INV LATOURETTE: You overheard Gordillo ask Myers if uh Canty had pushed him
2 and Myers said yes. And then they...
3 OFC KANG: Mm-hm.
4 INV LATOURETTE: had some conversation about we should arrest him.
5 OFC KANG: Yeah--yes. And I knew that they were gonna make the arrest
6 because uh--cause I heard Officer Gordillo, let's go arrest him...
7 INV LATOURETTE: Okay, so...
8 OFC KANG: in regards to that.
9 INV LATOURETTE: so Gordillo said let's go arrest him after he talked to Myers?
10 OFC KANG: Yes.
11 INV LATOURETTE: Okay. And then so you're hearin' that pretty well. Um, at that
12 point how far away do you think uh Canty is from them?
13 OFC KANG: Ten or fifteen feet.
14 INV LATOURETTE: Okay.
15 OFC KANG: Maybe.
16 INV LATOURETTE: And he's goin'--is he goin' down the sidewalk uh westbound?
17 OFC KANG: Yes.
18 INV LATOURETTE: Okay. With his back to them?
19 OFC KANG: That I don't recall.
20 INV LATOURETTE: Oh, okay.
21 OFC KANG: No--yeah.
22 INV LATOURETTE: And so how far away are they from you when you overhear the
23 conversation and the Gordillo says let's go arrest him?
24

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W554 King County Courthouse
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1 OFC KANG: Probably 'bout five to ten feet.

2 INV LATOURETTE: Okay. And were they uh just talking in normal tones right then or
3 were they kind a amped up?

4 OFC KANG: Uh, seemed normal.

5 INV LATOURETTE: Okay. And so what would be the first thing--well, first off, did you
6 hear them make any announcements to Mr. Carty after they had
7 that discussion?

8 OFC KANG: I didn't hear anything.

9 INV LATOURETTE: Okay. And if they were to make an announcement to somebody
10 would they say it in like our conversational tone a voice?

11 OFC KANG: Depending on how close they were to them. Um, yeah.

12 INV LATOURETTE: Okay.

13 OFC KANG: Usually it's like, hey, you're under arrest.

14 INV LATOURETTE: Okay. But if somebody's running away from 'em, and at least
15 fifteen feet away would they be louder?

16 OFC KANG: A little louder, yes.

17 INV LATOURETTE: Okay. So you probably would've heard that then would you say, if
18 you were able to hear them in conversational tones?

19 OFC KANG: Correct, but Kyle Carty didn't--he started running after um both
20 those officers started to walk towards him.

21 INV LATOURETTE: Okay. So what--y-you did or didn't hear any commands from any
22 of the officers to Carty at that point?

23 OFC KANG: No.

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W554 King County Courthouse
516 Third Avenue
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1 INV LATOURETTE: And then...

2 OFC KANG: was rolled over to his stomach that's how we're trained to do.

3 INV LATOURETTE: Right.

4 OFC KANG: And...

5 INV LATOURETTE: Hands behind...

6 OFC KANG: cuff 'em.

7 INV LATOURETTE: the back?

8 OFC KANG: Yep.

9 INV LATOURETTE: And then did you um--did you then help him up or were you there
10 when...

11 OFC KANG: Yes.

12 INV LATOURETTE: Okay. And do you remember seein' any injuries at all on Mr.
13 Canty?

14 OFC KANG: No.

15 INV LATOURETTE: You don't remember...

16 OFC KANG: Seein' injuries...

17 INV LATOURETTE: Right.

18 OFC KANG: on Cant--no.

19 INV LATOURETTE: So no injuries...

20 OFC KANG: No.

21 INV LATOURETTE: that you saw, okay. And then do you 'member pretty much every
22 step of the way, like so it sounds like to me you were maybe ten

23

24

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W554 King County Courthouse
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1 INV LATOURETTE: No, you didn't hear any?

2 OFC KANG: No, I didn't hear anything.

3 INV LATOURETTE: Okay. Um, and then you said that both Gordillo and uh Myers
4 caught up to Carty and went hands on. Do you remember in what
5 fashion they went hands on?

6 OFC KANG: Yeah. We're trained to--um whenever we detain someone--to go
7 for their arms, elbow...

8 INV LATOURETTE: Okay.

9 OFC KANG: and wrist.

10 INV LATOURETTE: Okay. And so that's what your trained, what did you see happen?

11 OFC KANG: I don't recall. I mean...

12 INV LATOURETTE: Okay.

13 OFC KANG: I don't remember where they grabbed him. Uh, yeah.

14 INV LATOURETTE: Okay. So you don't have a memory of how they went hands on,
15 but you know how you're trained to do it?

16 OFC KANG: Correct.

17 INV LATOURETTE: Okay. Uh, so you handcuffed Mr. Carty after he was taken down
18 and secured?

19 OFC KANG: Yes.

20 INV LATOURETTE: And do you 'member did you handcuff him on the ground or...

21 OFC KANG: Yes.

22 INV LATOURETTE: Okay.

23 OFC KANG: Mm-hm. And he...

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W554 King County Courthouse
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1 feet behind Gordillo and Myers. Their backs are to you. They're
2 geared up I presume.
3 OFC KANG: Yes. Uh, you mean in their uniform?
4 INV LATOURETTE: Right. And...
5 OFC KANG: Yeah.
6 INV LATOURETTE: vests?
7 OFC KANG: Yep.
8 INV LATOURETTE: Okay. And are they stacked or are they side-by-side when they're
9 approaching...
10 OFC KANG: I believe...
11 INV LATOURETTE: Canty?
12 OFC KANG: they're side-by-side.
13 INV LATOURETTE: Okay. Pretty close together?
14 OFC KANG: Yeah.
15 INV LATOURETTE: Okay. And so how well were you able to see them take uh Canty
16 down?
17 OFC KANG: I don't know--I was right behind them. Um, after Kyle Canty
18 punched him, I don't know who lifted Canty or if they both did. I
19 just know...
20 INV LATOURETTE: Okay.
21 OFC KANG: that they both or I don't know if they both did it, but he was
22 picked--Kyle Canty was picked up and um placed uh...
23 INV LATOURETTE: Okay.
24

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W554 King County Courthouse
516 Third Avenue
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1 OFC KANG: Um...

2 INV LATOURETTE: have you been involved in anything like that rela-related to this
3 case?

4 OFC KANG: For that case, no. No. Don't think so. (Unintelligible).

5 INV LATOURETTE: Have you been involved...

6 OFC KANG: Wait, I'm sorry. (Unintelligible). You know I don't remember if
7 (unintelligible) went to FIT that day.

8 INV LATOURETTE: What's the--am I usin' the right words? What's the uh...

9 OFC KANG: Yeah, usually any time we use force, depending on what level it is,
10 uh it's a FIT call out. We would have to go to the FIT office for an
11 interview.

12 INV LATOURETTE: Okay. And...

13 OFC KANG: Uh, I-I know some a them came down to interview Officer
14 Gordillo at the precinct I believe. But uh yeah, I don't remember
15 bein'...

16 INV LATOURETTE: Is that just a--just a one-time deal or-or do they do uh...

17 OFC KANG: Just one time and then if they find something else they'll do a
18 follow-up. And you know what, yes, I did have a FIT interview.

19 INV LATOURETTE: What triggers that?

20 OFC KANG: Depending on the injuries on the suspect, injuries on the officer, uh
21 it all depends. If it's broken bones, uh if the suspect complains
22 about, you know...I think my pinky's broken.

23

24

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W554 King County Courthouse
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1 OFC KANG: on the ground.
2 INV LATOURETTE: How long--and I know these are tough cause perception a time
3 changes dependent on a lot of things.
4 OFC KANG: Mm-hm.
5 INV LATOURETTE: But from the time that Officer Gordillo said let's arrest him until
6 you handcuffed him, how long do you think that took?
7 OFC KANG: Less than t-two minutes or less?
8 INV LATOURETTE: Okay. And is that a busy area typically?
9 OFC KANG: Yes.
10 INV LATOURETTE: Okay.
11 OFC KANG: It's very loud...
12 INV LATOURETTE: You...
13 OFC KANG: with Metro buses, lot a pedestrians.
14 INV LATOURETTE: Okay. Do you 'member noticing any of that during any of this
15 incident?
16 OFC KANG: Mm, couple pedestrians, but I'm sure cars drove by us, but uh...
17 INV LATOURETTE: 'Kay.
18 OFC KANG: my focus was on...
19 INV LATOURETTE: Okay.
20 OFC KANG: Canty.
21 INV LATOURETTE: Have you been involved at all in the uh--what's it called--the FIT?
22 OFC KANG: FIT?
23 INV LATOURETTE: Yeah. Uh-uh...
24

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W554 King County Courthouse
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1 INV LATOURETTE: Okay. Um, and so they're the same group that does the follow-up
2 investigation if they feel it's...
3 OFC KANG: I believe it's...
4 INV LATOURETTE: (unintelligible)?
5 OFC KANG: the Force Review Board that does the follow-up.
6 INV LATOURETTE: Okay.
7 ATD PARROTTA: Can I interrupt here just for a second? Uh, your paralegal is
8 contacted us for uh-um a potential interview tomorrow, and I'm--
9 and I-I apologize.
10 INV LATOURETTE: No, let's pause...
11 OFC KANG: (Unintelligible).
12 INV LATOURETTE: this real quick.
13 ATD PARROTTA: Yeah.
14 INV LATOURETTE: Gonna pause the uh recorder. It's approximately ten-forty-seven.
15 A minute later, at uh ten-forty-eight. And guess I wanted to cover
16 really quick um w-would you have taken any handwritten notes
17 regarding this incident?
18 OFC KANG: No, except uh maybe writing his name down.
19 INV LATOURETTE: Okay.
20 OFC KANG: Depending on who got his information, but yeah. But no.
21 INV LATOURETTE: Okay. And then do you typically finish your shift and then write
22 up your um report at the end a the--end a the shift or...
23
24

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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
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1 OFC KANG: No. If it's a use of force incident we'll go to the precinct right
2 away and type up our statements.

3 INV LATOURETTE: Okay. And is that what you did with this one?

4 OFC KANG: Yes.

5 INV LATOURETTE: So what time does it--wa--I think it says it was submitted at like
6 ten-thirty, but that doesn't mean when you wrote it, right?

7 OFC KANG: Right. The uh--it's--use a force takes a while cause uh supervisor
8 sergeants have to review our reports first before we submit it, uh
9 we have to make blue team entries, all that stuff.

10 INV LATOURETTE: Do you 'member uh we talked about whether you heard any
11 announcements when you were--when you had just overheard the
12 conversation and heard Gordillo say let's go arrest him, did you--
13 do you 'member hearing anything said by any party from that point
14 forward until the end...when Mr. Carty was secured?

15 OFC KANG: No, I think just the adrenaline was goin'. There was a lot a, you
16 know, moving parts, a lot a noise around, so.

17 INV LATOURETTE: Okay. And then I think you answered that--now before you wrote
18 that I know you-you said you didn't speak with any officers about
19 kind of what happened at the scene, apparently uh Myers was
20 carted off, and what did Gordillo do after the arrest? What did he
21 do, do you 'member?

22 OFC KANG: I don't know.

23 INV LATOURETTE: Uh...

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W554 King County Courthouse
516 Third Avenue
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(206) 296-9000, FAX (206) 296-0955

1 OFC KANG: I'm-I'm assuming he went straight to the precinct too.

2 INV LATOURETTE: Okay.

3 OFC KANG: Or the hospital, I don't know.

4 INV LATOURETTE: Okay. Um, did you have a chance to speak with anybody else bef-

5 -after that, but before you wrote your incident report?

6 OFC KANG: No, I don't think so. Cause our officer statement is pretty much

7 just what we did.

8 INV LATOURETTE: Okay. So you...

9 OFC KANG: Or what I did, sorry.

10 INV LATOURETTE: Yeah. So there's not like--people don't get together and go holy

11 cow, can you believe what just happened, and that kind a thing?

12 OFC KANG: Uh, so-sometimes, um but I didn't see Officer Myers there. I don't

13 believe I saw Officer Gordillo there.

14 INV LATOURETTE: 'Kay.

15 OFC KANG: (Unintelligible)...

16 INV LATOURETTE: Would you agree...

17 OFC KANG: so.

18 INV LATOURETTE: that it would not be proper for you to read other people's reports

19 before you wrote your report or is that something that is routinely

20 done?

21 OFC KANG: No, I don't know--well, personally, I don't read someone else's

22 report.

23 INV LATOURETTE: Okay.

24

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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: 'Kay. Um...

2 OFC KANG: And whenever we make an arrest he needs to ask the arrestee's a
3 couple questions as well.

4 ATD PARROTTA: M'kay. So what happens next? How does this--and I appreciate
5 your cadence. This is gonna--it helps the recording.

6 OFC KANG: Okay. Yeah.

7 ATD PARROTTA: Yeah.

8 OFC KANG: Um...so I'm just standing there, and, yeah, out a the way. And
9 making sure--I don't know who Kyle--I don't know who this
10 person is, so I don't want him to either assault the other officers
11 makin' the arrest or charge at them or do whatever, so I just stand
12 there as a cover officer. Myself and Officer Liz Kennedy is there--
13 Elizabeth Kennedy is there with me--and she's tryin' to calm him
14 down because he-he continues to yell, continues to use profanities
15 and we're just tryin' to calm him down.

16 ATD PARROTTA: And um--and a luh--Officer Kennedy, uh do you remember where
17 she was standing in relation to Mr. Canty?

18 OFC KANG: To his left.

19 ATD PARROTTA: 'Kay. And yo--and where were you standing?

20 OFC KANG: Dr-directly in front of him.

21 ATD PARROTTA: Directly.

22 OFC KANG: In the alleyway and he was on the sidewalk. And Officer Kennedy
23 was on the sidewalk and in the alleyway...

24

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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: Okay.
2 OFC KANG: (unintelligible) there, right next to me.
3 ATD PARROTTA: Alright. And then uh--then what happened?
4 OFC KANG: Officer Myers and Officer Ron Anderson shows up. I f-f--hear
5 Officer Gordillo behind me, hey, move back a little bit.
6 ATD PARROTTA: Uh, who-who's he sayin' that to?
7 OFC KANG: To me.
8 ATD PARROTTA: Okay.
9 OFC KANG: So I s--tell Canty, hey, you need to step back a little bit. I'm
10 thinking they're putting the arrestee in the back a the patrol car at
11 this time. So I tell Kyle Canty, hey, step back from me.
12 ATD PARROTTA: 'Kay.
13 OFC KANG: So we move back. He starts blading his stance, meaning he starts
14 clenching his fist, uh--I mean, sorry, not clenching his fist--uh, his-
15 his bladed stance. It's a term--for us it's someone's ready to either
16 fight. Their feet are secure on the ground, uh it's balanced, um...
17 ATD PARROTTA: You-you said his f-f--hands were clenched then you said they
18 weren't clenched...
19 OFC KANG: No--sorry...
20 ATD PARROTTA: No?
21 OFC KANG: that was afterwards.
22 ATD PARROTTA: Yeah. Uh...
23
24

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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 OFC KANG: Afterward--so Officer Myers and Officer Anderson shows up and
2 starts dealing with...
3 ATD PARROTTA: Yeah. Well, let's just go back...
4 OFC KANG: Kyle Canty.
5 ATD PARROTTA: let's go back. See, I don't wanna jump ahead yet.
6 OFC KANG: Mm-hm.
7 ATD PARROTTA: I just wanna keep--you got a nice chronological...
8 OFC KANG: Right.
9 ATD PARROTTA: story going, so.
10 OFC KANG: Yeah-yeah. So I tell him to step back. He starts blading his
11 stance; planting his feet, um for more balance for him.
12 ATD PARROTTA: Mm-hm.
13 OFC KANG: That's what it seems like to me. Um, and then, if I remember
14 right, he just starts--he continues to yell.
15 ATD PARROTTA: Do you 'member what he does with his hands when he continues
16 to yell?
17 OFC KANG: Not at the time--not-not right now.
18 ATD PARROTTA: Okay.
19 OFC KANG: But I'm-I'm--he starts clenching his fist as soon as Officer Myers
20 and Officer Anderson shows up. And he starts--he starts not
21 prancing, but starts bouncing around kind a like a boxee--like a
22 boxer.
23
24

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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: Okay. Uh, and when you say--when--cause we-we're not bein'
2 video-recorded. When you say...
3 OFC KANG: Right.
4 ATD PARROTTA: he starts bouncin' around like a boxer you held your hands up uh
5 with fists curled. Is that what you recall...
6 OFC KANG: I uh...
7 ATD PARROTTA: or something else?
8 OFC KANG: at the time, I believe that he-he was willing to fight. So his f-fists
9 being clenched, I don't--I don't recall right now.
10 ATD PARROTTA: Okay. Do you 'member...
11 OFC KANG: But to me someone...
12 ATD PARROTTA: (unintelligible)...
13 OFC KANG: who blades his stance...
14 ATD PARROTTA: Yeah.
15 OFC KANG: usually has his fists clenched.
16 ATD PARROTTA: 'Kay. Um, did you make any uh assertive forward motion to Mr.
17 Canty when he did that?
18 OFC KANG: Nope.
19 ATD PARROTTA: Why not?
20 OFC KANG: He was about...he-he started backin' away, kind a bouncing
21 backwards.
22 ATD PARROTTA: Mm-hm.
23 OFC KANG: So, great.

24
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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: M'kay.
2 OFC KANG: Keep movin' back.
3 ATD PARROTTA: Okay. Well...and um...
4 OFC KANG: So my...
5 ATD PARROTTA: This whole...
6 OFC KANG: attention now...
7 ATD PARROTTA: (unintelligible)...
8 OFC KANG: is towards Officer Gordillo...
9 ATD PARROTTA: Yeah.
10 OFC KANG: who told me to kind a move back. So I'm just--I'm thinking
11 okay...
12 ATD PARROTTA: Yeah.
13 OFC KANG: they're gonna make the uh transition into the car.
14 ATD PARROTTA: Okay.
15 OFC KANG: The original suspect.
16 ATD PARROTTA: The original suspect, okay. And as Mr. Canty's moving back, w-
17 what are the other officers uh doing that are in his vicinity?
18 OFC KANG: I believe Officer Kennedy was still next to me.
19 ATD PARROTTA: Mm-hm.
20 OFC KANG: Officer Myers and Officer Anderson just showed up.
21 ATD PARROTTA: Mm-hm.
22 OFC KANG: Officer Myers started contacting Kyle Canty. So I'm like great...
23 ATD PARROTTA: Okay.
24

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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 OFC KANG: Um, yeah. That's just our sergeant's job to uh read our reports and
2 say yes or no.

3 INV LATOURETTE: So besides this report, uh did you have to do anything else
4 regarding this case at all? Uh, and if you have, what have you
5 done?

6 OFC KANG: Uh, maybe just a officer witness statement on what I witnessed.
7 Pretty much s-same exact thing.

8 INV LATOURETTE: And where would that go?

9 OFC KANG: It's called a blue team entry. Any time we use force uh we use the
10 application on our computer a blue team entry. And I'm not
11 sure...

12 INV LATOURETTE: (Unintelligible).

13 OFC KANG: where that goes. Maybe the--maybe the FIT office.

14 INV LATOURETTE: Okay. Do you use--which one do you write first?

15 OFC KANG: I just-just our statement.

16 INV LATOURETTE: Okay.

17 OFC KANG: Cause our statement's basically our use a force...

18 INV LATOURETTE: Okay. So then...

19 OFC KANG: (unintelligible).

20 INV LATOURETTE: you rely on your statement to write your-your use a force or...

21 OFC KANG: Mm-hm.

22 INV LATOURETTE: whatever?

23 OFC KANG: Yeah.

24 TRANSCRIPT OF OFFICER HUDSON KANG
INTERVIEW - 41
1704-024

Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 INV LATOURETTE: Okay. Uh, and so besides those two things, anything else...
2 OFC KANG: No.
3 INV LATOURETTE: until today, right?
4 OFC KANG: Right.
5 INV LATOURETTE: Okay. Alright. Well, I don't...
6 UNKNOWN: 'Kay.
7 INV LATOURETTE: Anything else?
8 ATD PARROTTA: No.
9 INV LATOURETTE: Alright. It is ten-fifty-three and we're gonna conclude the
10 recorded interview.
11 (Interview ends)
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TRANSCRIPT OF OFFICER HUDSON KANG
INTERVIEW - 42
1704-024

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1 OFC KANG: I believe...no, I don't recall.

2 ATD PARROTTA: 'Kay. That's fine. Uh, and how many police officers in total do
3 you think were at the scene, um and I mean--I'm talking about all
4 of--you know, police officers that were involved in the other
5 arrest...

6 OFC KANG: Mm-hm.

7 ATD PARROTTA: and this case because they were so close in time and space...

8 OFC KANG: Yeah.

9 ATD PARROTTA: together?

10 OFC KANG: Yeah.

11 ATD PARROTTA: How many total police officers uh were there?

12 OFC KANG: Maybe about eight total.

13 ATD PARROTTA: Eight total, m'kay. And did you personally um stop and look and
14 ask any civilian witnesses if they saw anything?

15 OFC KANG: No. Those are the jobs of either the cover officers...

16 ATD PARROTTA: Cover offc...

17 OFC KANG: who are standing there lookin' for other threats...

18 ATD PARROTTA: 'Kay.

19 OFC KANG: and that's their job; hey, any witnesses.

20 ATD PARROTTA: Okay. And uh-uh and why is it important that cover officers
21 contact civilian witnesses that are there durin' an incident like this?

22 OFC KANG: Because the officers that are hands on, like myself...

23 ATD PARROTTA: Yeah.

24 TRANSCRIPT OF OFFICER HUDSON KANG
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1 OFC KANG: we need to focus on our--Kyle Canty.
2 ATD PARROTTA: 'Kay.
3 OFC KANG: In case he throws another punch or if he starts kicking...
4 ATD PARROTTA: 'Kay.
5 OFC KANG: uh if he does a grab a weapon out of his waist pocket...
6 ATD PARROTTA: Sure.
7 OFC KANG: um so.
8 ATD PARROTTA: No, but I-I mean, oh-uh is there another reason why the uh other
9 officers should contact civilian witnesses--potential civilian
10 witnesses?
11 OFC KANG: Yeah, just so we could focus on our-our portion of the incident.
12 ATD PARROTTA: M'kay.
13 OFC KANG: Each officer has different roles, and...
14 ATD PARROTTA: M'kay.
15 OFC KANG: when they respond they should know...
16 ATD PARROTTA: Okay.
17 OFC KANG: what they-they need to do.
18 ATD PARROTTA: Okay. Uh, well, I guess what I'm getting at is uh--is one a their
19 responsibilities to obtain witnesses that aren't, you know, part a the
20 defendant or part a the police to give neutral statements?
21 OFC KANG: Uh, I don't un--I'm not following.
22 ATD PARROTTA: Well, we--well you would agree that, you know, as a police officer
23 that your involved in an arrest, right.
24

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1 OFC KANG: Mm-hm.
2 ATD PARROTTA: You're-you're a party to this case...
3 OFC KANG: Right.
4 ATD PARROTTA: correct? Kyle Carty's a party to the case.
5 OFC KANG: Right.
6 ATD PARROTTA: So if someone who's not a party to the case sees what's goin' on is
7 it important to get a statement from them so...
8 OFC KANG: Oh yeah.
9 ATD PARROTTA: a juror--a juror could...
10 OFC KANG: Yes.
11 ATD PARROTTA: you know, hear what they...
12 OFC KANG: Yes-yes.
13 ATD PARROTTA: had to say?
14 OFC KANG: Mm-hm.
15 ATD PARROTTA: Yeah, okay. I thought you were a little confused...
16 OFC KANG: No.
17 ATD PARROTTA: of what that...
18 OFC KANG: No--yeah.
19 ATD PARROTTA: uh-uh and you would agree that's important to do that?
20 OFC KANG: Yes, for an officer to write a statement if they're...
21 ATD PARROTTA: (Unintelligible).
22 OFC KANG: involved in any ...
23 ATD PARROTTA: Yeah.

24
TRANSCRIPT OF OFFICER HUDSON KANG
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1 OFC KANG: way...

2 ATD PARROTTA: Yeah.

3 OFC KANG: Yes.

4 ATD PARROTTA: (Unintelligible) any neutral observer.

5 OFC KANG: Right.

6 ATD PARROTTA: Right, okay. And do you know if that was done in this case?

7 OFC KANG: It should a been.

8 ATD PARROTTA: Should a been?

9 OFC KANG: Yes. And that's up to the supervisor sergeant to follow-up with all
10 the officers that were at the scene.

11 ATD PARROTTA: M'kay.

12 DPA PETERSEN: When you say it should a been, are you talking about officers or
13 are you talking about civilian witnesses?

14 OFC KANG: I'm talking about both.

15 ATD PARROTTA: Right.

16 OFC KANG: Yeah. If the witnesses witnessed somethin'--civilians--they
17 should...

18 ATD PARROTTA: Yeah.

19 OFC KANG: provide us with...

20 ATD PARROTTA: Yeah.

21 OFC KANG: If they're willing to.

22 ATD PARROTTA: Right. And I--and just to clarify, and if an officer is there as a--uh
23 in a position to take statements it's his duty to talk to them?

24

TRANSCRIPT OF OFFICER HUDSON KANG
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1 OFC KANG: Right.
2 ATD PARROTTA: Seek them out if they're right there.
3 OFC KANG: Right.
4 ATD PARROTTA: 'Kay. Did you talk with uh any of the officers immediately after
5 this incident? Specifically, Gordillo or Myers.
6 OFC KANG: I'm sure I asked 'em if they were okay. Uh...
7 ATD PARROTTA: 'Kay. Did you...
8 OFC KANG: how they were doin'.
9 ATD PARROTTA: did you ask 'em for any clarification about what happened?
10 OFC KANG: No.
11 ATD PARROTTA: Okay. And um why didn't you ask 'em for any clarification?
12 OFC KANG: No. Officer Myers was escorted to the hospital right away...
13 ATD PARROTTA: 'Kay.
14 OFC KANG: I believe. Uh...
15 ATD PARROTTA: Yep that's true.
16 OFC KANG: yeah. Uh, at the time, I just wanna make sure the officers were,
17 you know, okay--not injured--and then we would discuss it later
18 on.
19 ATD PARROTTA: 'Kay.
20 OFC KANG: Debrief.
21 ATD PARROTTA: And you would agree as uh a-an officer trained in de-escalation, uh
22 you would agree that it would be improper for a police officer to
23 try to provoke uh someone who seems to be hyper uh sensitive?
24

TRANSCRIPT OF OFFICER HUDSON KANG
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1 OFC KANG: Correct.
2 ATD PARROTTA: 'Kay. And have you ever been disciplined as a police officer?
3 OFC KANG: Yes.
4 ATD PARROTTA: You have?
5 OFC KANG: You mean like um...
6 ATD PARROTTA: Uh, let me...
7 OFC KANG: complaints?
8 ATD PARROTTA: No. Uh-uh, talkin' about like uh disciplined for excessive use of
9 force?
10 OFC KANG: Oh no.
11 ATD PARROTTA: No?
12 OFC KANG: No.
13 ATD PARROTTA: Have you ever been uh disciplined for any uh acts of dishonesty?
14 OFC KANG: No.
15 ATD PARROTTA: Okay. Do you have any questions, Dave, cause...
16 INV LATOURETTE: Uh, just a couple.
17 ATD PARROTTA: pretty much wrapped up.
18 INV LATOURETTE: Uh, let's see. When we were talkin' about Officer Gordillo and
19 Myers were...conversed about the push...
20 OFC KANG: Mm-hm.
21 INV LATOURETTE: and you overheard them.
22 OFC KANG: Yes.
23
24

TRANSCRIPT OF OFFICER HUDSON KANG
INTERVIEW - 30
1704-024

Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

Exhibit 41

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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STATE OF WASHINGTON,)

Plaintiff,) No. 16-1-06917-3 SEA

vs.)

KYLE LYDELL CANTY,) TRANSCRIPT OF OFFICER
) CHRISTOPHER MYERS

) INTERVIEW

Defendant.)

INVESTIGATOR: I think mine's ready ta go here.

ATD PARROTTA: Okay. (Unintelligible). Alright. Today's date is Thursday, March 30th, 2017, approximately 4 p.m. We're over at the Prosecutor's Office. Present in the Prosecutor's Office uh myself, Sandro Parrotta, S-A-N-D-R-O, last name spelled P-A-R-R-O-T-T-A, defense attorney. Uh, present also is Officer Christopher Myers, Seattle Police Department and Jennifer Petersen, the prosecutor, King County Prosecutor. Appearing telephonically is defense investigator uh David LaTourette. Um, I'm just gonna go 'round

TRANSCRIPT OF OFFICER CHRISTOPHER
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1 uh the table. And then finally, to you Dave and just uh ask
2 everyone to state their name, um spell it and then uh give their
3 permission to record if they uh wish ta do so. I give permission ta
4 have this recorded. Uh, this is State versus Kyle Canty, 16-1-
5 06917-3, SEA.

6 ATD PETERSEN: Jennifer Petersen, prosecutor. You have my permission to record.

7 OFFICER: Chris Myers, spelled M-Y-E-R-S. You have my permission ta
8 record.

9 INVESTIGATOR: And this is Dave LaTourette, last name is L-A, capital T-O-U-R-E-
10 T-T-E, uh permission to record.

11 ATD PARROTTA: And uh Officer Myers, uh I notice you have a uh police report. Is
12 that a single police report or is it uh, uh two reports uh combined
13 into one?

14 OFFICER: This is a copy of my felony statement, one report.

15 ATD PARROTTA: One report. Uh, did you write any more than one report or is just
16 one report?

17 OFFICER: Wrote this and the Use of Force Statement.

18 ATD PARROTTA: Use of Force Statement. How long have you been on the force?

19 OFFICER: Twenty-seven years.

20 ATD PARROTTA: Twenty-seven years. And uh briefly, can you do—very briefly
21 explain your um experience and training?

22 OFFICER: Uh...

23 ATD PARROTTA: If ya can do it briefly.

24 TRANSCRIPT OF OFFICER CHRISTOPHER
MYERS INTERVIEW - 2
1704-022

Daniel T. Satterberg, Prosecuting Attorney
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~~CONFIDENTIAL~~

- 1 OFFICER: Yeah. I've been a police officer for twenty-seven years, a number
2 of assignments, plain clothes and uniform. I was an instructor with
3 the advanced training unit for about full-time for four years and
4 much, much longer than that as an adjunct instructor. I'm a
5 firearms' instructor tactics instructor. I teach emergency vehicle
6 operations, use of force and several other topics. And I'm a senior
7 master instructor as far as tasers concerned. There's only two of
8 those in this state. Um and I teach that as well internationally.
- 9 ATD PARROTTA: 'Kay. And have you had any um crisis intervention training?
- 10 OFFICER: Yes.
- 11 ATD PARROTTA: And uh when's the last time you had that training (unintelligible)?
- 12 OFFICER: Uh, we do it annually. I've had the refresher—I don't think I've
13 had it—well, I know I haven't had it this year, because a the injury,
14 so 2016.
- 15 ATD PARROTTA: 2016, okay. And prior to uh December 22nd, 2016, had you ever
16 had any contact with Kyle Canty?
- 17 OFFICER: Not that I'm aware of.
- 18 ATD PARROTTA: Okay. And how did you first get involved in this case?
- 19 OFFICER: Basically, we just went as a cover officer. That is, we're gonna be
20 in the area in case any additional backup units were needed. Um,
21 my partner and I pulled up in our car. We had no intention initially
22 of getting out of the car at all. We were just simply gonna be in
23 the area. We're well aware of the nature of the Third and Pike

24
TRANSCRIPT OF OFFICER CHRISTOPHER
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1 area. It tends ta get violent very quickly and when it does, it can
2 get extremely violent. I've been to a number a shootings, a
3 number of assaults and there's uh a high concentration of people
4 there that are willing ta jump in and become assaultive at a
5 moment's notice. So we were just basically there ta try and keep
6 things calm and ta uh be present if we were needed.

7 ATD PARROTTA: And who's your partner?

8 OFFICER: Officer uh Rhonda Anderson.

9 ATD PARROTTA: Rhonda Anderson. And when you uh responded ta the scene, were
10 you responding to the uh the scene with Officer Gordillo and
11 Merritt, I believe were originally arresting someone for a narcotics
12 uh allegation? Or were you there for this particular incident?

13 OFFICER: I was completely unaware there was an issue with Mister Canty
14 until after I'd arrived. We...

15 ATD PARROTTA: Right.

16 OFFICER: I don't know what the original call was. All I knew is I heard
17 officers were in a foot pursuit.

18 ATD PARROTTA: (Unintelligible).

19 OFFICER: Um and so we were responding to a foot pursuit. And the foot
20 pursuit was called under control before we even got close. So we
21 slowed down and just continued on the area. As I said, as cover
22 officers, knowing that after a foot pursuit, it tends ta draw a great

23
24 TRANSCRIPT OF OFFICER CHRISTOPHER
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1704-022

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1 deal of attention, and so wanna make sure that none a that attention
2 turned negative.

3 ATD PARROTTA: Okay. And so can you tell me then when you arrived, what
4 happens? Like what do you see, what do you hear or—and if you
5 can—you seem ta have a good rhythm and cadence, and just kinda
6 like break it up a little bit, piece by piece.

7 OFFICER: Well basically pulled up. Um I was in the driver's seat. Officer
8 Anderson was in the passenger seat. Um we were just right there
9 at the mouth of the alley. The sidewalk is actually quite wide right
10 there on the 300 block of uh that's Pike Street. Um and as we
11 pulled up, I looked over and saw who I later learned was Mister
12 Canty, just a male with his back ta me that seemed extremely
13 agitated and extremely upset. And I could see the officer was
14 talking to him in some way. From the car, I couldn't hear what it
15 was that was being said, but he appeared pretty agitated and like
16 the uh whatever answers he was getting from the officer were not
17 calming him, and he appeared to be escalating in his agitation. So
18 I thought I'd just get out and wander over that way and see if I
19 might be needed.

20 ATD PARROTTA: And when you uh said he appeared really agitated, um but you
21 couldn't hear anything. Can you describe body language?

22
23
24
TRANSCRIPT OF OFFICER CHRISTOPHER
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1 OFFICER: Um just the—there's a certain—it's difficult ta describe, but when
2 you've seen people that are in a fighting stance or getting
3 agitated...

4 ATD PARROTTA: Mm-hm.

5 OFFICER: you recognize the way they hold their body, their muscle tension,
6 the stance. And in this particular case, he had a lotta quick
7 movements, um very fidgety. He'd go from low to bring his hands
8 out, and I recall from my angle behind him, it looked like his hands
9 were in fists, and he was doing a lotta gesturing towards uh Officer
10 Kang's uh face. At the time that I could see him from my angle,
11 um and I could see based on Officer Kang's—uh I know Officer
12 Kang—I could tell based on his stance, that he was feeling
13 defensive, that he was feeling like he was preparing as if there was
14 gonna be po—a possible attack. So that led me ta think, hm, you
15 know perhaps I should do my job as a cover officer and focus on
16 this problem and be present in case something negative happened.

17 ATD PARROTTA: Sure.

18 UNKNOWN: (Unintelligible).

19 ATD PARROTTA: Uh and—and a course, we're not being video recorded. So uh, uh
20 when you uh describe uh, uh—Kyle Canty as fidgeting, having a
21 fighting stance...

22 OFFICER: Mm-hm.

23

24

TRANSCRIPT OF OFFICER CHRISTOPHER
MYERS INTERVIEW - 6
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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
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USE

- 1 ATD PARROTTA: and his hands or movement, you uh—you said it appeared to you
2 like he was—and I'm gonna use the words jabbing.
- 3 OFFICER: Mm-hm.
- 4 ATD PARROTTA: His fists were jabbing towards uh Officer Kang?
- 5 OFFICER: That's what it appeared from my angle, yes.
- 6 ATD PARROTTA: Okay. And did uh did you see Officer Kang move his head or step
7 back?
- 8 OFFICER: No. He had enough distance...
- 9 ATD PARROTTA: (Unintelligible).
- 10 OFFICER: that he—he was—there was enough standoff distance between the
11 two...
- 12 ATD PARROTTA: Yeah.
- 13 OFFICER: that it wasn't like he was within reach and that the—the fist was
14 about ta land.
- 15 ATD PARROTTA: Mm-hm.
- 16 OFFICER: But it was one a those where that behavior, especially in the face of
17 a police officer...
- 18 ATD PARROTTA: Yeah.
- 19 OFFICER: um could easily escalate. I've seen that behavior escalate,
20 especially in that area.
- 21 ATD PARROTTA: Mm-hm.
- 22 OFFICER: the particular culture in that area, is that is very often a precursor to
23 an attack or a fight.

24 TRANSCRIPT OF OFFICER CHRISTOPHER
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W554 King County Courthouse
516 Third Avenue
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(206) 296-9000, FAX (206) 296-0955

Star

Use

1 ATD PARROTTA: Okay. And when you um seen uh the jabbing motion, was it both
2 hands, one hand?
3 OFFICER: Well, I was looking at it from an angle. So I could see his left
4 hand better than his right hand.
5 ATD PARROTTA: Yeah.
6 OFFICER: I don't recall what his right hand was doing, if anything. It was the
7 left hand I could see from my vantage point because a the way he
8 was situated.
9 ATD PARROTTA: Okay. Then what happens?
10 OFFICER: Uh, I got outta the car and walked up behind him.
11 ATD PARROTTA: Okay. At this point, do—do you hear anything?
12 OFFICER: Well, as I'm getting closer, I can hear more and more.
13 ATD PARROTTA: And what do you hear?
14 OFFICER: Basically, I actually put that in my notes. He was yelling things
15 like do you have a problem. You wanna go. And as I mentioned
16 in combination with the uh the posture that I saw, the motions that
17 I saw, I also recognize in that particular area when you say you
18 wanna go, that is a direct challenge ta fight. That is a challenge to
19 you want to go now, do you want to fight. And so, what I'm
20 seeing and what I'm hearing, all marry up ta give me the
21 impression that this person is trying ta escalate this into a physical
22 fight.
23
24

TRANSCRIPT OF OFFICER CHRISTOPHER
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W554 King County Courthouse
516 Third Avenue
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1 ATD PARROTTA: Okay. And um but you didn't hear what was being said prior ta
2 that because your windows were rolled up?
3 OFFICER: Correct.
4 ATD PARROTTA: Okay. Then what happened?
5 OFFICER: Um, I basically stood there behind him for a while.
6 ATD PARROTTA: (Unintelligible).
7 OFFICER: He appeared so focused on his screaming at Officer Kang that he
8 was unaware of my presence. I heard him say things like um
9 something about having sued the department. He just got outta one
10 a these, um something like he was gonna own the department. He
11 was gonna get a payday. Um, I—and Officer Kang was simply
12 explaining that the alley was closed. I recall there was a sign up
13 above on both sides a the alley that indicated no admittance.
14 Officer Kang made reference ta those, tryin' ta say hey, you
15 (unintelligible) can't come down the alley, you know.
16 ATD PARROTTA: M'kay.
17 OFFICER: (Unintelligible) kinda the go way type a thing.
18 ATD PARROTTA: Okay. And did you ever see Kyle Canty try to get by Officer Kang
19 and go into the alley?
20 OFFICER: No. I did not see that. I...
21 ATD PARROTTA: Okay.
22 OFFICER: just based on the way they were positioned and the statements
23 made by Officer Kang, that was an inference that I made.
24

TRANSCRIPT OF OFFICER CHRISTOPHER
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W554 King County Courthouse
516 Third Avenue
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Use

1 ATD PARROTTA: Okay. And then uh then what happened?
2 OFFICER: Uh, at some point uh Mister Carty looked around enough that he
3 became aware of my presence.
4 ATD PARROTTA: Mm-hm.
5 OFFICER: And he appeared startled by that. That you know he was so
6 focused, he was unaware that I was standing behind him and so
7 when he startled he moved a little bit ta my right, which woulda
8 been westbound down the 300 block a Pike Street. Um and I took
9 advantage of that to go ahead and give Officer Kang a break 'cause
10 he'd been taking Mister Carty's verbal abuse much too long. So I
11 inserted myself there ta prevent—provide a physical barrier and uh
12 keep him away. And then I began tryin' ta do the rapport building.
13 I was like hey, and I put my hands out, very much like I just did
14 now, low palms out towards him and downward in a calming
15 motion. And I said hey, there's no problem here. There's no
16 reason ta yell at me. I can hear you just fine, time ta go away,
17 something along those lines. But before I was even able ta get the
18 complete thought out, uh Mister Carty came up and uh c-came
19 kind of in an upward motion, caught me right at the wrist and
20 slammed my own hand into my chest hard enough ta cause me to
21 rock backwards. And I could feel my balance going, so I reversed
22 my direction and shoved him off ta create space ta prevent him
23
24

TRANSCRIPT OF OFFICER CHRISTOPHER
MYERS INTERVIEW - 10
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~~A Use~~

1 from attacking me any—any further um and create that distance, so
2 I had more reactionary time.

3 ATD PARROTTA: M'kay. And at any time when uh, uh Officer Kang and Kyle
4 Carty were arguing, at any time, did you see Kyle Carty back
5 away?

6 OFFICER: Well he was moving.

7 ATD PARROTTA: Mm-hm.

8 OFFICER: I mean I didn't see a back away. I saw him kinda you know
9 fidgeting is more the way I would describe it. Not so much—I
10 didn't see him retreating, if that's what you're asking.

11 ATD PARROTTA: Yeah. Okay. He didn't retreat. And when you were in the picture,
12 did he retreat in your presence?

13 OFFICER: Like I said, when he was startled...

14 ATD PARROTTA: Yeah.

15 OFFICER: He initially moved away ta the—to the west.

16 ATD PARROTTA: Yeah.

17 OFFICER: And that woulda been a great thing. If he woulda kept on goin' at
18 that moment...

19 ATD PARROTTA: Mm-hm.

20 OFFICER: there woulda been no issue. Unfortunately, he turned around...

21 ATD PARROTTA: Mm-hm.

22 OFFICER: and when he came up and assaulted me, he closed the distance ta
23 do that.

24 TRANSCRIPT OF OFFICER CHRISTOPHER
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1704-022

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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

* USE

- 1 ATD PARROTTA: Okay. Uh, so you're saying that (unintelligible) Ca—Canty moved
2 in towards you and—and pushed you?
- 3 OFFICER: Well, it was...
- 4 ATD PARROTTA: (unintelligible)...
- 5 OFFICER: not a big motion as in like several steps. It was more of a—a
6 lunge. He—he had been standing there and like I said, it was kind
7 of a forward and upward movement.
- 8 ATD PARROTTA: Okay.
- 9 OFFICER: And he closed the distance ta do that. So...
- 10 ATD PARROTTA: Okay. Uh, did you, uh do you recall if you closed the distance
11 against him?
- 12 OFFICER: Well like I said, I had taken a few steps...
- 13 ATD PARROTTA: Yeah.
- 14 OFFICER: ta—ta take that ground.
- 15 ATD PARROTTA: Yeah.
- 16 OFFICER: Because a course, he had been in Officer Kang's face and it was
17 time ta give him a break.
- 18 ATD PARROTTA: Yeah.
- 19 OFFICER: And I was fresh, so I was gonna start with the rapport building, try
20 and explain to him. There's no reason ta yell. There's no reason ta
21 be upset here. You're free ta go. Please give them the space.
22 They're doin' their job. (Unintelligible) gonna try and go down
23 that entire what is your issue, listen ta what he has ta say. But I

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~~Use~~

- 1 didn't get that far, because he assaulted me before I could get
2 there.
- 3 ATD PARROTTA: And you—you said you put your hands out uh ta create space. Did
4 you...
- 5 OFFICER: No, the creating space was after he assaulted me.
- 6 ATD PARROTTA: (Unintelligible).
- 7 OFFICER: The first time is a calming motion.
- 8 ATD PARROTTA: Calming motion, okay.
- 9 OFFICER: Yeah. You're taking it outta order there.
- 10 ATD PARROTTA: Okay. Did you touch him when you did that?
- 11 OFFICER: Nope, not at all.
- 12 ATD PARROTTA: Not at all. (Unintelligible).
- 13 OFFICER: No. There's plenty a space. He closed the space ta take that away.
- 14 ATD PARROTTA: Okay. And uh did—was there anybody else close by ta...
- 15 OFFICER: There probably was, but my...
- 16 ATD PARROTTA: (Unintelligible).
- 17 OFFICER: attention was focused on Mister Canty, not who else was close by.
- 18 ATD PARROTTA: Okay. And—and so you said you were taking kinda over for
19 Officer Kang at that...
- 20 OFFICER: Yes.
- 21 ATD PARROTTA: point, right? Um is there any reason why you didn't just go over ta
22 Officer Kang and ask him ta step back and then insert yourself

24
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1 where Officer Kang was standing you know in the alley as
2 opposed to behind Mister Canty?

3 OFFICER: That would be illogical tactically, because if Mister Kang has—or
4 I'm sorry—if Mister Canty has moved away from the mouth a the
5 alley...

6 ATD PARROTTA: Yeah.

7 OFFICER: why would I give him that space ta go back into the place we
8 didn't want him. He had moved away.

9 ATD PARROTTA: Yeah.

10 OFFICER: So I inserted myself as a physical barrier between him and the
11 mouth a the alley. I stood there. If Mister Canty woulda stayed
12 where he was or moved further away...

13 ATD PARROTTA: Okay.

14 OFFICER: there woulda been no problem. But Mister Canty unfortunately
15 made the decision to assault me as opposed to doing that. So that's
16 Mister Canty's choice, not mine.

17 ATD PARROTTA: Okay. And uh, a-and from your position, um you're saying that
18 you were walking towards Mister Canty and he was walking
19 backwards at some point? Or was he—when you were walking
20 towards him, did he walk into you? That's where I'm kinda
21 gettin' ...

22
23
24
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1 OFFICER: Well, he basically walked—I don't recall—I think he was
2 walking—initially he walked away, then he turned around. There
3 was a—he was doin' a lotta turning and so...
4 ATD PARROTTA: (Unintelligible).
5 OFFICER: it's difficult ta pin down. At this moment, he's walking forward.
6 This moment, he's walking backwards. He was doin' a little bit a
7 both.
8 ATD PARROTTA: Mm-hm.
9 OFFICER: But basically, when I got to the point where I was tryin' ta talk
10 with him, I kinda just slowed—and maybe I was taking a slow step
11 or maybe I was stationary. I don't recall, because my focus was on
12 him.
13 ATD PARROTTA: Mm-hm.
14 OFFICER: There was more than ample distance for me ta make the hand
15 gesture that I was making without touching him, because I'm
16 trying ta de-escalate him. I'm not tryin' ta escalate him. Reaching
17 out and touch him, coulda...
18 ATD PARROTTA: (Unintelligible).
19 OFFICER: been interpreted as an escalation. That wasn't my goal. That
20 wasn't my intent. I had ample space ta do that. Unfortunately, he
21 made the decision ta close the distance on me and assault me. So
22 he came forward at that point and he was facing me at that point.
23
24

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1 ATD PARROTTA: 'Kay. Uh, do ya recall of anyone else other than you or Officer
2 Kang uh said anything ta Mister Canty that mighta been uh de-
3 escalating in nature or provoking in nature uh.
4 OFFICER: There was certainly no provoking, because nobody wanted ta fight
5 Mister Canty. Mister Canty was the one that was agitated, not us.
6 ATD PARROTTA: Okay.
7 OFFICER: We were calm. We were tryin' ta keep it calm. Nobody wanted ta
8 fight him, nobody said anything provocative. Other people were
9 tryin' ta do things ta calm him down or ta ask him ta leave the area.
10 Our goal was ta get him ta stop yelling at us and go away. That's
11 all we wanted. Had he done that, we would not be sitting here
12 today.
13 ATD PARROTTA: M'kay. And when—when that contact occurred, then what
14 happened?
15 OFFICER: Um, like I said, he shoved me hard enough ta—ta rock me back a
16 bit. So I created distance, um 'cause I didn't know if that was
17 precursor to a punch, a kick, a head-butt, anything like that. And
18 so at that point, I'm defending myself, creating distance.
19 ATD PARROTTA: And uh and when you say that, you used both hands...
20 OFFICER: I—I had open-handed-yes...
21 ATD PARROTTA: Pushed him...
22 OFFICER: I...
23 ATD PARROTTA: pushed back?

24
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1 OFFICER: pushed him backwards, yes.

2 ATD PARROTTA: Okay.

3 OFFICER: Open-hand push, backwards.

4 ATD PARROTTA: (Unintelligible).

5 OFFICER: Um as I'm doin' that, I'm processing that and tryin' to assess uh
6 you know is he an ongoing threat, is he gonna come back for me, is
7 he about to run. I'm tryin' ta figure out what that's—what's goin'
8 on there. Then Officer Gordillo comes up on my left side and says
9 did he just assault you, 'cause I don't what his vantage point was,
10 what he did...

11 ATD PARROTTA: Mm-hm.

12 OFFICER: see and what he didn't see, and I said yes, he did. And so at that
13 point, um I think—if I recall correctly, Mister Canty at that point,
14 began to run westbound after he assaulted us or after he assaulted
15 me. And so at that point, we made the decision ta arrest him. So
16 we begin ta chase him, but instead of continuing to flee, he turns
17 around and as he turns around, um he uses his right hand, lunges
18 forward and punches Officer Gordillo in the left side of his face,
19 right about the temple, right at the eye level.

20 ATD PARROTTA: Okay. And had anybody placed their hands on Mister Canty at
21 that point?

22 OFFICER: Just me shoving him off a me right after he assaulted me.

23 ATD PARROTTA: Right, right. But I mean after that?

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1 OFFICER: I don't know. We...

2 ATD PARROTTA: (Unintelligible).

3 OFFICER: were chasing him and I was reaching for him.

4 ATD PARROTTA: Yeah.

5 OFFICER: I don't recall—because I did eventually make contact with him, if
6 that was before or after he got punched. At that point, it's kinda
7 chaotic. So I'm reaching out, I'm tryin' ta grab him. I don't think
8 I had grabbed him by that point, but I may have.

9 ATD PARROTTA: Mm-hm.

10 OFFICER: I mean my goal at that point is ta arrest him. I'm tryin' ta grab
11 him.

12 ATD PARROTTA: Yeah.

13 OFFICER: But at—whether I contacted him before or after he punched
14 Officer Gordillo, I don't recall.

15 ATD PARROTTA: Okay. And when uh—how close to Kyle Canty were you uh when
16 you say he punched Officer Gordillo with his right hand?

17 OFFICER: Well, I had been right at the point where I was going ta try and
18 grab him...

19 ATD PARROTTA: Yeah.

20 OFFICER: But he spun away from me.

21 ATD PARROTTA: Yeah.

22 OFFICER: So um outside of arm's reach, but not by much more than that, so
23 three, four feet.

24

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1 ATD PARROTTA: Okay. And where was Officer Gordillo at that time?

2 OFFICER: To my left.

3 ATD PARROTTA: To your left. And was he parallel with you uh...

4 OFFICER: My impression—well, I mean it's—that assumes a straight line,

5 and there was no straight line because—like I said, Mister Canty

6 initially was going westbound, then he went southbound. And so

7 you know if we're goin' in one direction and then Officer

8 Gordillo's slightly behind me. As soon as I turn, now he's next ta

9 me, and I continue turning, he's in front a me. So...

10 ATD PARROTTA: (Unintelligible).

11 OFFICER: The way you're asking the question doesn't reflect reality as I

12 experienced it.

13 ATD PARROTTA: Okay. I—well, I'm just tryin' ta figure out...

14 OFFICER: Mm-hm.

15 ATD PARROTTA: what your vantage point was, where every—where all three people

16 were positioned when you saw the punch?

17 OFFICER: Mm-hm.

18 ATD PARROTTA: Uh, so I—I'm not following that. Uh and maybe I'm just...

19 OFFICER: Right.

20 ATD PARROTTA: maybe it's just me, but...

21 OFFICER: So...

22 ATD PARROTTA: if Kyle Canty uh...

23 OFFICER: So Kyle Canty's in front a me ta my left and moving to my left.

24
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1 ATD PARROTTA: In front a you to your left and moving to your left and...

2 OFFICER: Mm-hm.

3 ATD PARROTTA: he's—is he facing you? Is he sideways? Or is he...

4 OFFICER: Well, as I said, he was spinning. He was—this is all dynamic.

5 You're...

6 ATD PARROTTA: (Unintelligible).

7 OFFICER: tryin' ta pin down a specific point in time?

8 ATD PARROTTA: Yeah.

9 OFFICER: So at one point, he's got his back ta me.

10 ATD PARROTTA: Yeah.

11 OFFICER: At one point, he's got his side ta me.

12 ATD PARROTTA: Okay.

13 OFFICER: At one point, he's facing directly towards Officer Gordillo and

14 he—I got him in the other profile.

15 ATD PARROTTA: Yeah.

16 OFFICER: And then he spins back. So I've got him back, side and front at

17 various points in this—this—this encounter.

18 ATD PARROTTA: Okay. And then uh when you see the punch...

19 OFFICER: Mm-hm.

20 ATD PARROTTA: where is he at that point and what's his body position to—relative

21 to yours?

22 OFFICER: Sideways ta me.

23 ATD PARROTTA: Sideways, okay.

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1 OFFICER: So both a 'em are sideways ta me.
2 ATD PARROTTA: And then what happens?
3 OFFICER: Um, I saw Officer Gordillo reel backwards and then Mister Canty
4 kinda got that oh shit look on his face, like he realized he had just
5 really screwed up, and he turned around, he tried ta run away.
6 ATD PARROTTA: And then what happened?
7 OFFICER: He didn't make very far. At that point, I know I made contact with
8 him. I tried ta take him ta the ground. Um he was doin' a lotta
9 shrugging and twisting, tryin' ta come out of his jacket, 'cause I
10 had a hold of his jacket high with my left hand, then his upper arm
11 bicep with my right hand. And I'm tryin' ta take him down
12 forward, and he's tryin' ta peel out of his jacket, taking away the
13 vantage point of my left hand. Then he's doing a lotta shrugging
14 and moving and then just gets really chaotic as he spins, then he
15 takes my leg out. Um, we go ta the ground. Um, I'm watching
16 him punch—so he's throwing punches that I assume are at Officer
17 Gordillo, 'cause I'm lower. So he's punching at somebody above
18 me um that I believe is Officer Gordillo, but coulda been anybody
19 else. At the same time, he's yelling I didn't touch anybody. I
20 didn't punch anybody. So he's yelling one thing and doing the
21 exact opposite of what he's yelling. Um, so.
22 ATD PARROTTA: And so at that point, it sounds like there's at least one other officer
23 engaged with him, Officer Gordillo, if not two?
24

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1 OFFICER: It could be, yes.

2 ATD PARROTTA: It could be. Uh could there a been more than the three of you, two
3 or three of you at that point?

4 OFFICER: Coulda been. I don't know. I was up close. So whatever's
5 happening behind me, I couldn't see.

6 ATD PARROTTA: Okay.

7 OFFICER: And of course...

8 ATD PARROTTA: Yeah.

9 OFFICER: since Mister Canty is still actively assaulting police officers, he's
10 my focus. I—that's what I'm paying attention to. I'm not doing
11 roll call of who's around me.

12 ATD PARROTTA: Okay. And uh then uh—uh how—I know you uh—I know you
13 hurt your ankle and uh how did that happen?

14 OFFICER: When Mister Canty um spun and twisted into my leg.

15 ATD PARROTTA: Yeah.

16 OFFICER: He uh caused my—my knee ta buckle outwards, and so I was
17 worried I was gonna rip out my knee at that point because a the
18 way he was moving sideways into my leg. Um, my ankle ended
19 up underneath it. He dropped on ta my ankle, but it took my leg
20 with me, took my weight out, um and pulled me down on top of
21 him and um he had a hold of Officer Gordillo by the—the vest, and
22 so as he went down and he was pulling, he pulled Officer Gordillo
23 down on top a the two of us.

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1 ATD PARROTTA: Okay. And is that something you observed or is that something
2 you read in someone else's report?

3 OFFICER: It was more feeling.

4 ATD PARROTTA: Okay.

5 OFFICER: I could feel it, because I could feel Mister Carty twisting and
6 spinning and making contact with my leg. Um, I could feel the
7 arm up across, and then I could feel uh Officer Gordillo fall on top
8 a me. So it wasn't visual, so much as you know I could feel these
9 different pressure points, and I'm aware of a body falling on top a
10 me. I wasn't sure which body it was until later. So I knew Carty
11 pulled somebody, but I didn't know who until later.

12 ATD PARROTTA: (Unintelligible). And at—at any point, did you disengage in the uh
13 detention of Mister Carty, or did you—prior to him being taken
14 away or were you still involved with everybody else who—
15 however how many other officers were there?

16 OFFICER: Okay. I'm not sure why you're askin' that question, 'cause you
17 have my statement right in front a ya. I stayed in contact with him
18 until he was handcuffed.

19 ATD PARROTTA: Okay.

20 OFFICER: So in—in...

21 ATD PARROTTA: Actually, I—I...

22 OFFICER: the interim, he...

23 ATD PARROTTA: I don't have your statement. It's—it's...

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1 OFFICER: I'm sure you got it in the file somewhere in your discovery...

2 ATD PARROTTA: (unintelligible).

3 OFFICER: but no, he—he continued spitting in my face.

4 ATD PARROTTA: Oh.

5 OFFICER: And he—and he punched me.

6 ATD PARROTTA: Okay.

7 OFFICER: And so I continued...

8 ATD PARROTTA: (Unintelligible)...

9 OFFICER: even after I was injured, um tryin' ta take him into custody until he

10 was finally handcuffed.

11 ATD PARROTTA: Where did he punch you?

12 OFFICER: It came from the jaw, up across my cheekbone. I was wearing my

13 glasses, the glasses were knocked off a my face onto the sidewalk

14 behind me and up across my eye, into my forehead. So a blow

15 from the bottom, he's the only person who could of achieved that

16 angle, upwards across the right side a my face.

17 ATD PARROTTA: Okay. Uh well, did you see any other or feel any other officers

18 punching or striking Mister Cantly?

19 OFFICER: No, but had—if they had been...

20 ATD PARROTTA: Yeah.

21 OFFICER: It woulda either come from behind me or from above.

22 ATD PARROTTA: Yeah.

23 OFFICER: Mister Cantly's the only person who had an upward angle.

24
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1 ATD PARROTTA: Okay. And when you say he was spitting on you, was uh, uh the
2 spitting um like when someone's trying to purposely spit saliva out
3 of the mouth or was it more of the yelling and saliva coming out as
4 he's yelling?

5 OFFICER: Both.

6 ATD PARROTTA: Both.

7 OFFICER: It was—it was comin' outta his mouth as he was yelling and there
8 was also times that I could feel spit striking my face, which was
9 why I wear safety glasses like this. It's something that happens,
10 unfortunately quite frequently with um certain people who
11 would—are intent on assaulting police officers. Um and there
12 were times when there was definitely amounts a spittle striking my
13 face that were not accompanied by um words, that woulda been
14 consistent with that spittle.

15 ATD PARROTTA: And you went to the hospital immediately?

16 OFFICER: Yes. Well, after—after I ri—uh briefed the supervisors as far as
17 what had happened, yes.

18 ATD PARROTTA: Okay. And uh...

19 OFFICER: So Seattle Fire Department came ta the scene.

20 ATD PARROTTA: Yeah.

21 OFFICER: Saw me at the scene. And then from there, I was transported to the
22 hospital.

23
24
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1 ATD PARROTTA: Okay. And—and—and I spoke about this just briefly, uh a few
2 minutes ago. Did you uh review any other police officers uh
3 statements in this case?

4 OFFICER: No.

5 ATD PARROTTA: No. Okay. And uh, uh why not?

6 OFFICER: That's not normal, part of what we normally do.

7 ATD PARROTTA: Okay.

8 OFFICER: I'm responsible for what I've written and nobody else's.

9 ATD PARROTTA: Okay. So it'd be inappropriate you—inappropriate for you ta go
10 look at other people's reports before you write yours?

11 OFFICER: I wouldn't necessarily say inappropriate. It's just not our normal
12 practice.

13 ATD PARROTTA: Okay. And did you talk to Officer Gordillo about this incident
14 subsequent to that day?

15 OFFICER: Yeah.

16 ATD PARROTTA: You did, okay.

17 OFFICER: Yeah. I asked him how his eye was doin', 'cause he had an
18 ongoing injury.

19 ATD PARROTTA: Okay.

20 OFFICER: Things of that nature.

21 ATD PARROTTA: Uh, did you talk to him about what occurred that day?

22 OFFICER: Um...

23 ATD PARROTTA: The details?

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1 OFFICER: Uh, mostly just um like I was aware his vest had been hangin'
2 open. You know was that damaged. Did he lose any weapons,
3 'cause when Mister Canty was ripping on Officer Gordillo's vest,
4 that was obviously one a the concerns. If you look at my vest, I
5 carry numerous weapons on it, and so as soon as he starts putting
6 his hands on Officer equipment and doing things like that, I now
7 have the concern that not only is he punching, kicking, spitting, but
8 he could access a weapon, disarm a police officer and use that
9 weapon against me. So I was—you know I said hey, did he get a
10 hold of anything, you know...

11 ATD PARROTTA: Yeah.

12 OFFICER: kinda assessing after the fact. How much danger was I really in.
13 Was he actually tryin' ta kill me or is he just tryin' ta hurt me.

14 ATD PARROTTA: Okay. And what did he tell you?

15 OFFICER: That no. It'd gotten ripped open and that there had been a knife
16 very close by, but he hadn't managed in getting the knife out.

17 ATD PARROTTA: And you said that—or uh you—you wrote uh another report for a
18 different investigation?

19 OFFICER: Yes.

20 ATD PARROTTA: Okay. And is that the same report that you have in front of you
21 there, or is it different?

22

23

24

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1 OFFICER: It's a Use of a Force Statement. So it um discusses more
2 specifically the tactics that were used and techniques that were
3 used.
4 ATD PARROTTA: Okay. And did they give you a copy of that report?
5 OFFICER: Well, I authored it. I have a copy...
6 ATD PARROTTA: (Unintelligible).
7 OFFICER: yes.
8 ATD PARROTTA: Okay. So you—okay. So it's not like you write it and then give it
9 ta somebody else? You always keep a copy yourself?
10 OFFICER: Well, I write it and then electronically submit a copy. So I have
11 the...
12 ATD PARROTTA: Okay.
13 OFFICER: original and the...
14 ATD PARROTTA: Okay. And—and did you provide a copy a that to the prosecutor?
15 OFFICER: I don't provide anything to the prosecutor. I file it all with my
16 chain a command, and they do whatever they do with it.
17 ATD PARROTTA: Okay.
18 OFFICER: So I don't know if she has it or not.
19 ATD PARROTTA: Did you take any written notes regarding this incident?
20 OFFICER: No.
21 ATD PARROTTA: Okay. Have you ever been disciplined uh for uh excessive use of
22 force before?
23 OFFICER: No.

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W554 King County Courthouse
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1 ATD PARROTTA: And uh how long did it take for your ankle ta heal?

2 OFFICER: Today is my first day back in patrol.

3 ATD PARROTTA: Today's your first day back?

4 OFFICER: Yes. So...

5 ATD PARROTTA: Is...

6 OFFICER: ninety-six days off, because a the injury I rec—received in this
7 incident.

8 ATD PARROTTA: Okay. And—and was the uh it fully healed...

9 OFFICER: No.

10 ATD PARROTTA: yesterday.

11 OFFICER: It's not fully healed now.

12 ATD PARROTTA: It's not fully...

13 OFFICER: It's just...

14 ATD PARROTTA: healed?

15 OFFICER: healed enough for me ta do police work. They say it'll be about
16 nine months before it's completely healed.

17 ATD PARROTTA: Okay. Dave, do you wanna ask some questions? Uh, I'm just...

18 INVESTIGATOR: (Unintelligible), I...

19 ATD PARROTTA: reviewing my notes.

20 INVESTIGATOR: I—I did just wanna just—for a little clarification. Uh, it's a little
21 bit of a step back, but you were describing um when Mister Canty
22 hit your—I think you said, he spun and hit your knee, is that
23 correct?

24 TRANSCRIPT OF OFFICER CHRISTOPHER
MYERS INTERVIEW - 29
1704-022

Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 OFFICER: He kinda—his spun [sic] and his body weight went into my knee
2 laterally, yes.

3 INVESTIGATOR: Okay. So it was—was from the outside, laterally, from the outside
4 to medial, laterally?

5 OFFICER: No. I was speaking laterally as in—as opposed to vertically. So it
6 went from the inside a my knee towards the outside. So he was
7 more ta my left spinning into my right knee. So from inside to
8 outside. So it was putting stress on the lateral part a the knee from
9 the inner part a the knee.

10 INVESTIGATOR: Okay. So basically though it pushed your leg to the outside of
11 your body?

12 OFFICER: Yes.

13 INVESTIGATOR: Okay. Okay. And you were standing at the time it sounds like?

14 OFFICER: Uh, standing, walking, turning. Yeah, it was in the middle a the
15 mayhem.

16 INVESTIGATOR: Were—were you guys at any time running?

17 OFFICER: Yeah. I—I already talked about how he took off running. He
18 made it a few steps before I was able ta make contact with him.

19 INVESTIGATOR: Okay.

20 OFFICER: Just a couple steps, just a very short distance.

21 INVESTIGATOR: And so from the time you got there until the time—well, how ‘bout
22 this. Do you know how many people were involved in actually
23 controlling and arresting Mister Canty?

24
TRANSCRIPT OF OFFICER CHRISTOPHER
MYERS INTERVIEW - 30
1704-022

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1 OFFICER: No. That's already been asked, and I answered that uh I was
2 focused on Mister Canty as a threat and didn't do a...
3 INVESTIGATOR: Okay.
4 OFFICER: roll call and didn't evaluate how many people around me.
5 INVESTIGATOR: (Unintelligible). Do you remember what your body position was
6 uh when you—it sounds like you were on the ground and maybe
7 Officer Gordillo was sort of on top of you at one point?
8 OFFICER: That was when we initially fell off—fell down and then Officer
9 Gordillo came off of me, off I think my left shoulder, left side um
10 ta the side.
11 INVESTIGATOR: Okay. And what was your position at the time?
12 OFFICER: I was moving. So first priority was ta get my leg out from
13 underneath Mister Canty, um and then I was kind of kneeling—
14 kneeling on my hands and knees, uh moving trying ta control
15 Mister Canty.
16 INVESTIGATOR: Okay. Um, did you notice any other like civilians around the—the
17 incident (unintelligible) as the incident was happening?
18 OFFICER: Yes. It's the—third and Pike. There's people all over the place.
19 INVESTIGATOR: Okay. Do the—the people typically are—well, do they in this
20 case, did anybody stop and start lookin' and things like that? Is
21 that common?
22 OFFICER: Well, are you asking about this incident, or if it's common?
23 INVESTIGATOR: Yeah. This—this incident, if you remember?
24

TRANSCRIPT OF OFFICER CHRISTOPHER
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1704-022

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1 OFFICER: Well, I already said I was focused on Mister Canty as a threat. If I
2 didn't evaluate how many officers are around me, I certainly didn't
3 evaluate what the citizens around me were doing.
4 INVESTIGATOR: Okay. And then the—how long do ya think the incident took from
5 your perspective arriving in the car until I guess the end a the
6 threat or whatever?
7 OFFICER: I don't know. If you've ever been involved in a fight, you know
8 that uh perception a time is one a the first things ta go.
9 INVESTIGATOR: Yeah, that's for sure. Okay. That's just the clarification I wanted.
10 Thank you.
11 ATD PARROTTA: I think we're done. Just give me one more minute. And you're not
12 the primary officer in this case (unintelligible)?
13 OFFICER: No. You're not allowed ta be primary in a case where you been
14 assaulted.
15 ATD PARROTTA: And uh do you know who the primary officer is?
16 OFFICER: I do not.
17 ATD PARROTTA: And d-just going back to uh the situation where you said you
18 believe you startled Mister Canty, um do you recall if there were
19 any words exchanged between you and Mister Canty—well, what
20 Mister Canty said ta you?
21 OFFICER: I remember he was yelling pretty much continuously. As far as
22 what he said at that moment in time, I couldn't tell you.
23
24

TRANSCRIPT OF OFFICER CHRISTOPHER
MYERS INTERVIEW - 32
1704-022

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1 ATD PARROTTA: Okay. And uh you said he was bein' very loud and obnoxious and
2 abusive?
3 OFFICER: Yeah. Well, he was basically challenging us ta fight.
4 ATD PARROTTA: Okay.
5 OFFICER: And we were not remotely interested in fighting anybody, and I
6 took that as abusive, 'cause...
7 ATD PARROTTA: Okay.
8 OFFICER: I don't wanna fight.
9 ATD PARROTTA: Okay. Did he challenge you ta fight?
10 OFFICER: Yes...
11 ATD PARROTTA: (Unintelligible).
12 OFFICER: he did. Mm-hm.
13 ATD PARROTTA: specifically?
14 OFFICER: Yes, he did.
15 ATD PARROTTA: What did he say?
16 OFFICER: Mm...
17 ATD PARROTTA: To you, not to anyone else?
18 OFFICER: Yeah. He asked me you wanna go.
19 ATD PARROTTA: Okay.
20 OFFICER: Which is also typical slang for that particular area, which is a
21 direct challenge ta fight.
22 ATD PARROTTA: Okay. Now is that—did he say that to you or to uh O-Officer
23 Kang?
24

TRANSCRIPT OF OFFICER CHRISTOPHER
MYERS INTERVIEW - 33
1704-022

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1 OFFICER: He said that directly ta me.
2 ATD PARROTTA: To you?
3 OFFICER: So he challenged Officer Kang earlier ta...
4 ATD PARROTTA: Yeah, yeah.
5 OFFICER: fight. When he was unaware of my presence.
6 ATD PARROTTA: Yeah.
7 OFFICER: And then he challenged me ta fight as well.
8 ATD PARROTTA: Okay. And where was—at what point did he say that?
9 OFFICER: That was after he had uh turned—he'd give—given those few steps
10 and I took the place where I was blocking his access to the alley,
11 and he turned back ta face me. So he ju—said that before he
12 assaulted me.
13 ATD PARROTTA: (Unintelligible). And did you say anything ta him and...
14 OFFICER: That was when I was doing the open hands, gesturing, saying hey,
15 there's no reason ta yell at me. That's what I was—I was going
16 directly into the attempting to calm the situation, attempting ta
17 figure out what his issue was, as opposed to engaging in his
18 agitated threats.
19 ATD PARROTTA: Okay. Uh, I have no further questions.
20 DPA PETERSEN: Okay. Uh, it's 4:32. I'm gonna turn off my recorder.
21 (Recorder turned back on)
22 DPA PETERSEN: Okay. Now I'm going back on the record. (Unintelligible).
23
24

TRANSCRIPT OF OFFICER CHRISTOPHER
MYERS INTERVIEW - 34
1704-022

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W554 King County Courthouse
516 Third Avenue
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(206) 296-9000, FAX (206) 296-0955

1 INVESTIGATOR: (unintelligible) I just had somethin' I wanted ta follow up with
2 (unintelligible). I got it. Um so you—you had described being
3 shoved by Mister Canty and then Officer Gordillo coming up to
4 you asking you if you just been assaulted?

5 OFFICER: Well, shove, push, punch—yeah, somewhere in that range, yes.

6 INVESTIGATOR: Okay. And so you replied in the affirmative to Officer Gordillo
7 and you—you guys—one of you or the other or both a you decided
8 uh you were gonna (unintelligible) Mister Canty?

9 OFFICER: Yes. Mis—we had made a decision to arrest Mister Canty after he
10 assaulted me.

11 INVESTIGATOR: Okay. And then did you guys call ta him or anything?

12 OFFICER: I don't recall.

13 INVESTIGATOR: Okay. Okay. Um well, that's all I wanted ta know. That's good.

14 UNKNOWN: Okay. Let's...

15 DPA PETERSEN: Alright. Are we good?

16 UNKNOWN: (unintelligible).

17 DPA PETERSEN: Can I turn off my...

18 UNKNOWN: (unintelligible).

19 UNKNOWN: Okay. Thank you.

20 (End of interview)

21
22
23
24
TRANSCRIPT OF OFFICER CHRISTOPHER
MYERS INTERVIEW - 35
1704-022

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(206) 296-9000, FAX (206) 296-0955

1 INVESTIGATOR: (unintelligible) I just had somethin' I wanted ta follow up with
2 (unintelligible). I got it. Um so you—you had described being
3 shoved by Mister Canty and then Officer Gordillo coming up to
4 you asking you if you just been assaulted?

5 OFFICER: Well, shove, push, punch—yeah, somewhere in that range, yes.

6 INVESTIGATOR: Okay. And so you replied in the affirmative to Officer Gordillo
7 and you—you guys—one of you or the other or both a you decided
8 uh you were gonna (unintelligible) Mister Canty?

9 OFFICER: Yes. Mis—we had made a decision to arrest Mister Canty after he
10 assaulted me.

11 INVESTIGATOR: Okay. And then did you guys call ta him or anything?

12 OFFICER: I don't recall.

13 INVESTIGATOR: Okay. Okay. Um well, that's all I wanted ta know. That's good.

14 UNKNOWN: Okay. Let's...

15 DPA PETERSEN: Alright. Are we good?

16 UNKNOWN: (unintelligible).

17 DPA PETERSEN: Can I turn off my...

18 UNKNOWN: (unintelligible).

19 UNKNOWN: Okay. Thank you.

20 (End of interview)

21
22
23
24
TRANSCRIPT OF OFFICER CHRISTOPHER
MYERS INTERVIEW - 35
1704-022

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Exhibit 42

1
2
3
4
5
6 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
7
8 STATE OF WASHINGTON,)
9 Plaintiff,) No. 16-1-06917-3 SEA
10 vs.)
11 KYLE LYDELL CANTY,) TRANSCRIPT OF OFFICER
12 Defendant.) ELIZABETH KENNEDY INTERVIEW
13 _____)
14

INV LATOURETTE: (Unintelligible) say their name and stuff. This is investigator Dave LaTourette. It's April 4th, 2017. It's approximately 3:40 in the afternoon. We're in the King County Prosecutor's Office for a defense interview of Seattle Police Department Officer...

OFC KENNEDY: Yes sir.

INV LATOURETTE: uh Elizabeth Kennedy regarding the Kyle Carty case. The King County cause number is 16-1-006917-3. Um for the defense uh Mr. Sandro Parrotta is here, and for the Prosecuting Attorney's Officer, Jennifer Petersen is here. And I'd like to start um Miss Kennedy, I don't know how you'd like to be addressed, but if you could state and

TRANSCRIPT OF OFFICER ELIZABETH
KENNEDY INTERVIEW - 1
1704-021

Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
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1 OFC KENNEDY: Um as I was coming back towards the car, um I'm just tryin' to think
2 of when I first noticed him, if I was helping the uh pat frisk. Um I was
3 involved in the pat frisk, but I was standing there when one a the other
4 officers first started it. Um and I could hear Officer Kang and Mr. uh
5 Canty talking back and forth uh or rather, I shouldn't say that, Mr.
6 Canty was yelling um at the direction of the individual we had in
7 custody at that point in time. I wasn't payin' attention at first, but he
8 was uh loud, tryin' to get his attention. Um at some point in time uh I
9 think it was Officer G-Gordillo came and relieved me, uh so I stepped
10 toward Officer Kang uh and Mr. Canty was yelling throughout the
11 incident. Um Officer Kang and Mr. Canty were pretty much right at
12 the mouth of the alley itself. Um that particular alley is a no
13 admittance alley with uh posted no trespass signs and it's pretty easy
14 to see where the alley begins and the sidewalks ends because the
15 sidewalk is concrete and the alley's blacktop right there. And Mr.
16 Canty was on the sidewalk and Officer Kang pretty much in the alley.
17 Um and they were-he was yelling uh tryin' to get a number uh
18 (unintelligible) going back and forth with the guy who we had in
19 custody.
20 ATD PARROTTA: Did Officer Kang allow the two to converse?
21 OFC KENNEDY: Yes.
22 ATD PARROTTA: Okay. And how do you know that?
23
24

TRANSCRIPT OF OFFICER ELIZABETH
KENNEDY INTERVIEW - 4
1704-021

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- 1 OFC KENNEDY: Um because he kept going. Um and I believe at one point in time, I
2 can't say exactly, but their conversation was something to the effect of
3 you can talk to him but you need to just stay in the al-stay on the
4 sidewalk.
- 5 ATD PARROTTA: Uh did you ever see uh Mr. Carty uh move away from the sidewalk
6 and into the alley?
- 7 OFC KENNEDY: No.
- 8 ATD PARROTTA: And where was the other uh and where was the suspect that was bein'
9 uh patted down?
- 10 OFC KENNEDY: When that-the initial uh pat down took place at the front of-that was
11 Officer Es-Espinoza's car...
- 12 ATD PARROTTA: Okay.
- 13 OFC KENNEDY: and it as right at the front of that car.
- 14 ATD PARROTTA: Okay.
- 15 OFC KENNEDY: In front a the camera.
- 16 ATD PARROTTA: Okay. And during this initial contact between Officer Kang and Kyle
17 Carty, where were you standing?
- 18 OFC KENNEDY: Uh at the beginning I was standing at the front a the car. They were
19 sort of at the back a the car-the back a the car and was backed up-it-the
20 car was probably part on the sidewalk, part in the um alley.
- 21 ATD PARROTTA: And...
- 22 OFC KENNEDY: Right around there.
- 23
- 24

TRANSCRIPT OF OFFICER ELIZABETH
KENNEDY INTERVIEW - 5
1704-021

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1 ATD PARROTTA: Yeah.
2 OFC KENNEDY: so
3 ATD PARROTTA: Yeah.
4 OFC KENNEDY: they're probably technically closer to my left...
5 ATD PARROTTA: Yeah.
6 OFC KENNEDY: but they're on the right, if that makes sense.
7 ATD PARROTTA: Okay. And so uh just so I have this down for our audio recording, if
8 you are looking towards those three individuals, um uh Officer
9 Gordillo is closer to your I guess direct line, Officer Myers is to his
10 left, and Kyle Carty is uh in front a both a them?
11 OFC KENNEDY: Yeah.
12 ATD PARROTTA: Okay.
13 OFC KENNEDY: It's hard to say cause I'm moving.
14 ATD PARROTTA: Yeah.
15 OFC KENNEDY: Um I come from the street and come down the sidewalk...
16 ATD PARROTTA: 'Kay.
17 OFC KENNEDY: so, but they're all in front of me.
18 ATD PARROTTA: Okay. And how far back are you from them...
19 OFC KENNEDY: Uh...
20 ATD PARROTTA: at this point?
21 OFC KENNEDY: they were moving...
22 ATD PARROTTA: Yeah.
23 OFC KENNEDY: as I was moving. Um...
24

TRANSCRIPT OF OFFICER ELIZABETH
KENNEDY INTERVIEW - 24
1704-021

Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
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1 ATD PARROTTA: Okay. And the vehicle, the police vehicle that's in the alley is-is it
2 parked in the middle of the alley, to one side more than the other? Can
3 you?
4 OFC KENNEDY: That alley is not a particularly wide alley, so it's-it's pretty much in the
5 middle...
6 ATD PARROTTA: Okay.
7 OFC KENNEDY: that I remember.
8 ATD PARROTTA: Do you remember what uh Kyle Canty was saying to the other
9 individual?
10 OFC KENNEDY: I just remember them talking about a number.
11 ATD PARROTTA: (Unintelligible). Do you recall what Kyle Canty was saying to Officer
12 Kang?
13 OFC KENNEDY: Uh a lot of fuck you.
14 ATD PARROTTA: Okay. Anything else?
15 OFC KENNEDY: Bitch, but I think that came a little later.
16 ATD PARROTTA: Anything else?
17 OFC KENNEDY: Uh Mr. Canty I-to my recollection, not word for word, but I think he
18 was saying I have a right to talk to him, I'm just tryin' to get
19 somethin'. Those were not the words he used, but that was the
20 impression I received.
21 ATD PARROTTA: Do you recall what Officer Kang was saying to Kyle Canty?
22 OFC KENNEDY: The only thing I remember is essentially what I said before, him
23 saying you can talk to him, you just can't come in the alley.
24

TRANSCRIPT OF OFFICER ELIZABETH
KENNEDY INTERVIEW - 6
1704-021

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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: What about Kyle Canty's body language?

2 OFC KENNEDY: Um it was tense. Um you know at first you know what drew me-my
3 attention is that they were particularly close to each other. Um...

4 ATD PARROTTA: Uh when you say they?

5 OFC KENNEDY: Sorry, Officer Kang and Mr. Canty. Um but Officer Kang didn't
6 seem, for lack of a better term, troubled. Uh I work with Officer Kang
7 a lot; I know his body language. Um so it was more I was keeping my
8 eye on it, uh mostly because a the proximity. Um as Mr. Canty sort of
9 amped up his, for lack of a better term, rant um and the swearing uh he
10 seemed to get more fixated on-on Officer Kang uh and was yelling sort
11 of directly at Officer Kang um and swearing at him a lot. Um I knew
12 he had a bag in one hand uh and they were-they weren't directly head
13 on, um but they were close. Um Mr. Canty's hands were in front of
14 him, one bag in one hand, though I couldn't tell you what-which, and
15 one hand uh I think was in front of him. I don't think he had it closed
16 the whole time, but he definitely, or at least I perceived him to have it
17 closed a couple a different times, which just concerned me with his
18 agitated state. Uh not enough to go over and do anything at that point
19 in time, but as it escalated I thought it best to go over.

20 ATD PARROTTA: Okay. And when you say closed, what does that mean?

21 OFC KENNEDY: Uh like a fist.

22 ATD PARROTTA: Okay.

23

24

TRANSCRIPT OF OFFICER ELIZABETH
KENNEDY INTERVIEW - 7
1704-021

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W554 King County Courthouse
516 Third Avenue
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(206) 296-9000, FAX (206) 296-0955

1 OFC KENNEDY: But I don't know i-I can't say it was like that the whole time. I think,
2 ya know.
3 ATD PARROTTA: Okay. Then what happened?
4 OFC KENNEDY: Uh at some point in time uh after I was relieved uh of just sort of
5 standing as cover uh the individual getting patted down, uh given my
6 concern, I walked over uh to try and talk to Mr. Carty, cause I knew
7 Officer Kang was not getting anywhere.
8 ATD PARROTTA: Mm-hm.
9 OFC KENNEDY: Um so I went over uh and went up alongside of him and sort of
10 lowered my voice and said something to the effect of ya know, hey,
11 did you get the number and ya know, what can I do, cause I was
12 hoping maybe he'd engage with me and stop the sort of tension rising.
13 ATD PARROTTA: And how did he react to that?
14 OFC KENNEDY: He didn't acknowledge me.
15 ATD PARROTTA: And have you got uh have you received de-escalation training?
16 OFC KENNEDY: I have.
17 ATD PARROTTA: Okay. And what are you supposed to do in situations like that in de-
18 escalation training?
19 OFC KENNEDY: Generally what I did uh I work downtown, I've done the 40-hour CIT
20 class. I am CIT certified. Um one a the things that I always do and
21 have been trained to do is, you go and you try and talk softer, try and
22 get their attention. Sometimes you might touch somebody on the
23 shoulder. I don't remember if I touched Mr. Carty, but I was

24
TRANSCRIPT OF OFFICER ELIZABETH
KENNEDY INTERVIEW - 8
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1 definitely tryin' to get him to refocus um just by talking softly. Not
2 softly so that you can't hear me, but...

3 ATD PARROTTA: Okay.

4 OFC KENNEDY: lowering my voice, tryin' to get him to lower his and maybe just
5 refocus.

6 ATD PARROTTA: Do you recall uh if anyone else entered the-the picture at that point, or
7 shortly after that?

8 OFC KENNEDY: Not at that point. Eventually um Officers Merritt and Gordillo were
9 walking their uh the person they had in custody back to the car, and it
10 wasn't on that side, so eventually they came into the picture.

11 ATD PARROTTA: Do you remember if either one of them said anything to Mr. Cantly?

12 OFC KENNEDY: Uh Officer Gordillo reiterated that it was a no tres-it was tight...

13 ATD PARROTTA: Mm-hm.

14 OFC KENNEDY: um we were sort of all getting bunched up. Uh Officer Gordillo said
15 something like he's gotta move back, we're tryin' to get in the car.
16 And this is not word for word, but um and he said it's a no trespass
17 alley. If he comes in the alley, he's gonna get arrested, words to that
18 effect.

19 ATD PARROTTA: And you would agree that it would be inappropriate for any officer to
20 try to provoke uh a person that's agitated?

21 OFC KENNEDY: Of course.

22 ATD PARROTTA: Okay. And were you primarily concentrating, at this moment uh when
23 Officer Kang's there, you were there, Officer Gordillo and Merritt are

24 TRANSCRIPT OF OFFICER ELIZABETH
KENNEDY INTERVIEW - 9
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W554 King County Courthouse
516 Third Avenue
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1 there, who are you primarily focusing on at that point? Is it Canty, is it
2 Officer Kang?

3 OFC KENNEDY: Mr. Canty.

4 ATD PARROTTA: Mr. Canty?

5 OFC KENNEDY: Even if I'm looking around or moving...

6 ATD PARROTTA: Mm-hm.

7 OFC KENNEDY: my attention uh was with Mr. Canty.

8 ATD PARROTTA: Okay. So you necess-you wouldn't necessarily have seen or heard
9 everything that the officers were saying or doing?

10 OFC KENNEDY: We were in close proximity, so I think I would have heard it...

11 ATD PARROTTA: Yeah.

12 OFC KENNEDY: but at some point in time I believe they were behind me, so I might not
13 have seen everything.

14 ATD PARROTTA: Okay. Anybody else enter the picture at some point?

15 OFC KENNEDY: Uh ultimately uh I moved...

16 ATD PARROTTA: Mm-hm.

17 OFC KENNEDY: to let them get in the car.

18 ATD PARROTTA: Mm-hm.

19 OFC KENNEDY: Um...

20 ATD PARROTTA: And which side did they uh go in the car?

21 OFC KENNEDY: I believe-if you're lookin' at the car...

22 ATD PARROTTA: Yeah.

**TRANSCRIPT OF OFFICER ELIZABETH
KENNEDY INTERVIEW - 10**

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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000. FAX (206) 296-0955

1 OFC KENNEDY: and the car's uh front is facing you, it was the left side, I believe.
2 Um...
3 ATD PARROTTA: Okay. So uh would it have been on the opposite side where Mr. Carty
4 and uh Officer...
5 OFC KENNEDY: No, no...
6 ATD PARROTTA: Kang were...
7 OFC KENNEDY: we were all on there-it was all on the same side.
8 ATD PARROTTA: It was all on the same side?
9 OFC KENNEDY: Yes. I believe that's where they came up and things were sort of tight.
10 ATD PARROTTA: Okay.
11 OFC KENNEDY: I don't know if they then, because it was tight, I believed they got in
12 that side. I don't know if they did.
13 ATD PARROTTA: Which uh they got in which side?
14 OFC KENNEDY: That same side that we were on.
15 ATD PARROTTA: Okay.
16 INV LATOURETTE: Would that be – excuse me, this is Dave – would that be the-the
17 passenger side?
18 OFC KENNEDY: Yes.
19 INV LATOURETTE: Okay.
20 ATD PARROTTA: Okay.
21 OFC KENNEDY: That's a better way to put it, thanks.
22 ATD PARROTTA: And then what happens?
23
24

TRANSCRIPT OF OFFICER ELIZABETH
KENNEDY INTERVIEW - 11
1704-021

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W554 King County Courthouse
516 Third Avenue
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1 OFC KENNEDY: Um eventually Officers uh Anderson and um Myers arrived, um and
2 Officer Myers came out um and came onto the sidewalk. I don't think
3 Officer-Officer Anderson did come out at that point in time, too.
4 ATD PARROTTA: What happened?
5 OFC KENNEDY: Um we were all there. Uh Mr. Canty was...I'm just tryin' to
6 remember sequence. I apologize.
7 ATD PARROTTA: Oh.
8 OFC KENNEDY: Prior to Officer uh Anderson and Myers arriving, um Mr. Canty had
9 backed up a little bit. Um it seemed as if, even though he and Officer
10 Kang were engaged and he was still yelling, uh Officer Kang had
11 suggested to him several times that he should leave. Um Mr. Canty uh
12 indicated he wasn't gonna leave, that he didn't need to leave. Um
13 ultimately he started to walk away um and turned around uh and was
14 still yelling. Uh he seemed particularly fixated on Officer Kang. Um
15 and that's when he started talkin' about uh uh the fact that the Seattle
16 Police Department sucks um and that he's suing them. And he
17 mentioned something in particular about some detective I'm not
18 familiar with, um saying something to the effect of it's on. Uh...
19 ATD PARROTTA: And when you say uh it's on, uh what do you think he meant by that?
20 OFC KENNEDY: I took that to mean a suing.
21 ATD PARROTTA: A suing, okay.
22 OFC KENNEDY: Uh he was very loud. At that point in time he seemed-when he started
23 talkin' about the suing the department, he seemed to become a little bit

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1 more agitated, uh seemed to take a little bit more of an aggressive
2 stance. He didn't move towards Officer Kang, um but he definitely
3 sort of uh parted his feet um and just was overall angry.

4 ATD PARROTTA: Now is this before he was backing up, while he was backing up, or
5 after he backed up?

6 OFC KENNEDY: So he-when he-he started to like back up almost as if he was gonna
7 leave, and then stopped. And then that's when he started talking about
8 the suit. So there was a-at that point in time there was probably a
9 distance of maybe five feet, I'm guessing, um between he and Officer
10 Kang. I was a little bit off to uh the east side a them, so my right. Um
11 and he concerned me, even though he wasn't coming forward, because
12 he just seemed to get a new level of agitation when he started to talk
13 about uh suing the department. Um ha...

14 ATD PARROTTA: At any-oh I'm sorry.

15 OFC KENNEDY: No, no.

16 ATD PARROTTA: No, you go ahead.

17 OFC KENNEDY: I think that's...

18 ATD PARROTTA: Finish...

19 OFC KENNEDY: about...

20 ATD PARROTTA: finish your thought. Sorry.

21 OFC KENNEDY: it was after that I believe that uh Officers Anderson and Myers showed
22 up.

23 ATD PARROTTA: And you said uh you know Officer Kang?

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1 OFC KENNEDY: Yes sir.

2 ATD PARROTTA: And you said it didn't look like-to you it appeared to him that he was

3 concerned or uh uh defensive at any point?

4 OFC KENNEDY: I wouldn't say he-I mean, I think it's fair to say you're always

5 concerned.

6 ATD PARROTTA: Sure. Yeah.

7 OFC KENNEDY: Um but um Officer-Officer Kang's demeanor seemed uh relaxed.

8 ATD PARROTTA: Okay. So le-I'm sorry, who came in then? Which two off...

9 OFC KENNEDY: I think Officers Myers and uh Anderson came in at that point.

10 ATD PARROTTA: 'Kay. And then what happens?

11 OFC KENNEDY: Um Officer Myers came up and was sort of off to the side behind Mr.

12 Canty. Um and Officer Anderson came to the street, but I'm not sure

13 sort of where she is. Um it was at-sort of around that time that uh

14 Officer Espinoza was tryin' to back out um to take the prisoner he had

15 in his vehicle back to the precinct, um so I, realizing that there was sort

16 of a heavy pedestrian uh population there at that point in time and that

17 being a busy street, uh went over to assist Officer Espinoza in backing

18 out. I asked Officer Anderson to move her car back, cause it was

19 blocking a little bit.

20 ATD PARROTTA: And what did uh Officer Myers do?

21 OFC KENNEDY: I can't tell you from my independent recollection uh what they were

22 doing next. Last I saw them, they were not engaged, um but Officer

23 Myers was sort of behind him. Um the next time I-my attention was

24

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1 drawn to them, they were engaged, but I don't know how that
2 occurred.

3 ATD PARROTTA: Okay. What did you see at that point?

4 OFC KENNEDY: Uh when I turned back and saw them engaged, uh as I was coming
5 back um they were off to-I was facing the alley, uh they were off uh
6 towards the west, so to my right. Um and they, it seemed that uh Mr.
7 Canty had lost focus on uh Officer Kang and focused on Officer
8 Myers. Uh and it was the same type a thing uh with Mr. Canty yelling
9 and uh I believe Mr.-excuse me, Officer Myers told him to back up.
10 Um at one point in time Officer Myers uh put his hands up cause Mr.
11 Canty was coming closer and closer to him. Um uh at some point in
12 time when Officer Myers put his hands up and out, uh Mr. Canty
13 pushed into them, knocking his hand into Officer Myers' uh chest
14 area. Um Officer Myers pushed back reflexively, or at least it
15 appeared to-that way. Uh Officer Myers is a lot bigger than Mr.
16 Canty. Uh Mr. Canty uh went back probably a foot or two. Um and I
17 was still walking towards him at that point in time cause obviously I
18 had concerns.

19 ATD PARROTTA: Okay. And I just wanna have you go back just a bit. So when you
20 were drawn to their uh attention, uh and correct me if I'm wrong, uh
21 you just said that uh Officer Myers was facing Mr. Canty and Mr.
22 Canty walked towards Officer Myers, and that's when Officer Myers
23 stuck his hands out to create space?

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1 spell your name if it's unusual, and then give your permission for the
2 recording?

3 OFC KENNEDY: Sure. It's Elizabeth Kennedy. K-E-N-N-E-D-Y. Um and you have
4 my permission to record.

5 INV LATOURETTE: Thank you.

6 ATD PARROTTA: Sandro Parrotta, defense attorney. S-A-N-D-R-O P-A-R-R-O-T-T-A
7 and uh you have my permission to record.

8 DPA PETERSEN: And Jennifer Petersen, Prosecutor. You have my permission to record.

9 ATD PARROTTA: Officer Kennedy, how long have you been a police officer?

10 OFC KENNEDY: Three years.

11 ATD PARROTTA: Three years. And you had an opportunity to review your discovery
12 today?

13 OFC KENNEDY: Yes, I did.

14 ATD PARROTTA: Okay. And the police report that you have in front of you, that's the
15 report you generated for this case?

16 OFC KENNEDY: Uh there's two, and both of which I generated.

17 ATD PARROTTA: Have you had contact with Kyle Carty prior to the incident date?

18 OFC KENNEDY: I had seen him around before, yes.

19 ATD PARROTTA: Did you ever talk to 'em before?

20 OFC KENNEDY: Um engaged with him, but not on like a particular conversation.

21 ATD PARROTTA: Okay. Was it a criminal investigation?

22 OFC KENNEDY: No, as a...

23 ATD PARROTTA: Okay.

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1 OFC KENNEDY: close to me.
2 ATD PARROTTA: Okay, close to you. And then who's the next person to the left?
3 OFC KENNEDY: Uh a bit in front of us...
4 ATD PARROTTA: Yeah.
5 OFC KENNEDY: cause we were probably ten, fifteen feet back...
6 ATD PARROTTA: Yeah.
7 OFC KENNEDY: at that point in time. It's Officers Gordillo and Myers, and they're not
8 exactly in a straight line, but they're all very...
9 ATD PARROTTA: 'Kay.
10 OFC KENNEDY: close to each other.
11 ATD PARROTTA: Okay. Uh do you remember who was closer to your left?
12 OFC KENNEDY: I believe Officer Gordillo, if-if I'm looking at them...
13 ATD PARROTTA: Yeah.
14 OFC KENNEDY: Officer Gordillo is on the right side, Officer Myers is on the left side.
15 ATD PARROTTA: Uh okay.
16 OFC KENNEDY: Does that make sense?
17 ATD PARROTTA: Okay, because you're lookin' at me...
18 OFC KENNEDY: Yeah.
19 ATD PARROTTA: right?
20 OFC KENNEDY: Okay.
21 ATD PARROTTA: And I'm lookin' at you.
22 OFC KENNEDY: So if I turn my body around...
23 ATD PARROTTA: Right.

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1 OFC KENNEDY: (unintelligible) the recorder...

2 ATD PARROTTA: Okay.

3 OFC KENNEDY: and we're now facing the same way.

4 ATD PARROTTA: Yeah.

5 OFC KENNEDY: And they're off to my left...

6 ATD PARROTTA: Okay.

7 OFC KENNEDY: slightly.

8 ATD PARROTTA: Okay, so you're-you're facing uh...

9 OFC KENNEDY: I'm facing them.

10 ATD PARROTTA: you're facing them. And is it fair to say that you're facing uh Officer
11 Myers' and Gordillo's backs?

12 OFC KENNEDY: Um their bod-for some of it, their bodies were turned...

13 ATD PARROTTA: Yeah.

14 OFC KENNEDY: ya know, and so it wasn't like their straight back.

15 ATD PARROTTA: Yeah.

16 OFC KENNEDY: Um...

17 ATD PARROTTA: But they weren't facing you?

18 OFC KENNEDY: It wasn't like a straight on facing...

19 ATD PARROTTA: Yeah.

20 OFC KENNEDY: ya know what I mean, but they were canted a little bit, so you could...

21 ATD PARROTTA: 'Kay.

22 OFC KENNEDY: see some of their bodies.

23 ATD PARROTTA: Okay.

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1 OFC KENNEDY: Um...

2 ATD PARROTTA: And so as-if you turn around and you're facing them...

3 OFC KENNEDY: Mm-hm.

4 ATD PARROTTA: um who's the one that's closest to your left?

5 OFC KENNEDY: Officer Myers, to my memory, is the closest to my-is the...

6 ATD PARROTTA: 'Kay.

7 OFC KENNEDY: on the left closest to the building.

8 ATD PARROTTA: Okay.

9 OFC KENNEDY: And then Officer Gordillo was to his right and my right.

10 ATD PARROTTA: Okay.

11 OFC KENNEDY: So.

12 ATD PARROTTA: And where is Kyle Canty?

13 OFC KENNEDY: Uh right with them in that area uh a little bit in front of them.

14 ATD PARROTTA: I-in front of which-in...

15 OFC KENNEDY: Uh...

16 ATD PARROTTA: front a-is he...

17 OFC KENNEDY: closer...

18 ATD PARROTTA: directly in front of?

19 OFC KENNEDY: not directly, probably uh...

20 ATD PARROTTA: Directly in front of Myers? Directly in front of...

21 OFC KENNEDY: closer to Gordillo.

22 ATD PARROTTA: closer to Gordillo, okay. And closer to your right?

23 OFC KENNEDY: I was-they're all off to my left...

24

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1 ATD PARROTTA: How far back were you when you uh saw this punch?

2 OFC KENNEDY: Probably about fifteen feet.

3 ATD PARROTTA: Fifteen feet? Okay. And then what happens?

4 OFC KENNEDY: I start running.

5 ATD PARROTTA: Okay.

6 OFC KENNEDY: Um I can see um I saw the punch land. Um I saw Officer Gordillo's
7 head sort of move from the punch. Officer Gordillo is also uh a big
8 guy...

9 ATD PARROTTA: Mm-hm.

10 OFC KENNEDY: for lack of a better term...

11 ATD PARROTTA: Yeah.

12 OFC KENNEDY: uh with a big head.

13 ATD PARROTTA: Yeah.

14 OFC KENNEDY: Um...

15 ATD PARROTTA: How-wh-which way does his uh which way does his head move?

16 OFC KENNEDY: Uh it snapped back uh...

17 ATD PARROTTA: Snapped back?

18 OFC KENNEDY: towards my right, so uh from left to right.

19 ATD PARROTTA: Okay. A...

20 OFC KENNEDY: Um...

21 ATD PARROTTA: and then uh and then what happens?

22 OFC KENNEDY: um I think it was one a those moments happening fast. It slowed down
23 a little bit. Um there was a lot of movement, but when Officer

24

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1 Gordillo moved, I know he was doing something and I saw his arms
2 move, but he-that-at that point in time he had blocked my path.

3 ATD PARROTTA: Mm-hm.

4 OFC KENNEDY: Uh and then the next thing I know, they were grabbing sort of both
5 sides of Mr. Canty.

6 ATD PARROTTA: Mm-hm.

7 OFC KENNEDY: Um Officer Gordillo is on the right, Officer Myers was on the left, uh
8 and it appeared they were tryin' to take him to the ground.

9 ATD PARROTTA: Did they take him to the ground?

10 OFC KENNEDY: They did.

11 ATD PARROTTA: How did they take him to the ground? Did they pick him up and drop
12 him, did they just pile on top of him?

13 OFC KENNEDY: Um from my recollection it-it was uh I know Officer Myers was tryin'
14 to sort a sweep his legs and take 'em to the left. Um Officer...

15 ATD PARROTTA: O-Officer Myers was tryin' to sweep whose legs?

16 OFC KENNEDY: Mr. Canty's.

17 ATD PARROTTA: So when you say he's tryin' to sweep his legs, how does Officer Myers
18 try to sweep his legs?

19 OFC KENNEDY: If you take your right-leg and you uh put it behind or to the side,
20 you sort of take someone's legs out from under them. I'm not sure he
21 was ever successful.

22 ATD PARROTTA: Yeah.

23 OFC KENNEDY: I saw him try to do it a couple a times.

24

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1 ATD PARROTTA: 'Kay.
2 OFC KENNEDY: Or I know he tried to do it, I don't know if it was...
3 ATD PARROTTA: Okay.
4 OFC KENNEDY: successful.
5 ATD PARROTTA: So uh is it fair to say he was holding onto Kyle Canty and he was
6 tryin' to kick Kyle Canty's legs with his leg?
7 OFC KENNEDY: Uh at least once I would say.
8 ATD PARROTTA: Okay. And then what happens?
9 OFC KENNEDY: Um and they all sort a went down to my left...
10 ATD PARROTTA: Mm-hm.
11 OFC KENNEDY: um towards, like it was sort of frontwards and to the left.
12 ATD PARROTTA: 'Kay.
13 OFC KENNEDY: Uh it almost seemed as if Officer Gordillo and Myers were f-push
14 pulling in different directions.
15 ATD PARROTTA: Yeah.
16 OFC KENNEDY: Um and as they went down, uh you could see Mr. Canty sort of
17 grabbing at Officer Gordillo's vest.
18 ATD PARROTTA: Mm.
19 OFC KENNEDY: Um just a lot uh Officer Gordillo wears an outer vest, so there's a lot
20 uh to grab onto, for lack of a better term. Um and he was sort of
21 reaching at the vest, uh grabbing on, um and they were falling towards
22 sort of Officer Myers. Officer Myers sort a ended up uh at the bottom
23 of the pile.
24

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1 ATD PARROTTA: Okay. Um was Kyle Canty also at the bottom of the pile?

2 OFC KENNEDY: To my recollection, when they sort a feel or landed, uh Officer-they
3 landed on-partly on top of Officer Myers and partly on top of the
4 sidewalk. So he-I don't know where Officer Gordillo landed, if he
5 landed on top of 'em. I know that as they went down, Officer Myers
6 sort of was at the bottom and his legs were underneath, and then there
7 was still a whole lot of movement between the three of them. Um and
8 Officer Gordillo was on the right side, Officer Myers is on the left
9 side. Officer Kang was in front of me. Uh and I know Mr. Canty was
10 on his back, so he landed uh partly on top of Officer Myers and partly
11 on the sidewalk on his back. Um as we ran forward, Officer Kang
12 uh uh mounted him...

13 ATD PARROTTA: Mm-hm.

14 OFC KENNEDY: and ended up on Mr. Canty's chest, uh and there was still a whole lotta
15 movement. Um...

16 ATD PARROTTA: Uh so if Kyle Canty landed on his back, is it possible his back could a
17 hit the concrete?

18 OFC KENNEDY: It's possible.

19 ATD PARROTTA: Yeah. Okay. Did you see anybody uh punch or uh other than Officer
20 Myers try to sweep Kyle Canty or uh kick 'em, did you see anybody
21 else punch or kick Kyle Canty?

22 OFC KENNEDY: I'm aware that Officer Gordillo did, but I didn't see it. I knew Officer
23 Gordillo was moving, but I never saw the connection.

24

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1 ATD PARROTTA: So uh you are aware that Officer Gordillo punched Kyle Canty?

2 OFC KENNEDY: Yes.

3 ATD PARROTTA: Uh how do you know he punched Kyle Canty?

4 OFC KENNEDY: Cause when I wrote the GO as the primary officer, I will start talking
5 to people to fill in gaps that I don't know.

6 ATD PARROTTA: Y-you're the primary officer in this case?

7 OFC KENNEDY: I was.

8 ATD PARROTTA: Thank you for uh clarifying that.

9 OFC KENNEDY: Sure.

10 ATD PARROTTA: Okay. Uh who told you that uh Officer Gordillo punched Kyle Canty?

11 OFC KENNEDY: Officer Gordillo did.

12 ATD PARROTTA: Officer Gordillo did, okay. Uh did he tell ya how many times he
13 punched him?

14 OFC KENNEDY: He indicated he punched him once.

15 ATD PARROTTA: Punched him once? Did he tell ya where he hit 'em?

16 OFC KENNEDY: I believe he said the head.

17 ATD PARROTTA: The head, okay. And um so how many people-how many police
18 officers uh ended up on top of Kyle Canty?

19 OFC KENNEDY: Uh four initially. Uh like I said, Officer Myers and uh Officer
20 Gordillo on the right, Officer Kang was on his chest, and I was on his
21 legs.

22 ATD PARROTTA: Uh you said initially. Uh...

23 OFC KENNEDY: Um...

24
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1 ATD PARROTTA: were there more after that?

2 OFC KENNEDY: after uh the struggle was still ongoing. Uh I grabbed his legs to try and
3 stop him from kicking. Um at some point in time Officer Kang was
4 able to sort a get on the radio and say we need more units.

5 ATD PARROTTA: Mm-hm.

6 OFC KENNEDY: Um the next officer I remember arriving was Officer Johnson, um who
7 came up uh from behind us and took sort of responsibility for his
8 other-Mr. Carty's other leg, so.

9 ATD PARROTTA: So a total of five police...

10 OFC KENNEDY: Um...

11 ATD PARROTTA: officers on top of Kyle Carty?

12 OFC KENNEDY: yeah. He-officer-I wouldn't uh describe Officer Johnson as on top of
13 him. He was sort of just holding him like down with his hands.

14 ATD PARROTTA: Any more after that?

15 OFC KENNEDY: Uh no, other officers showed up, but I don't believe anybody else uh
16 ever went hands on.

17 ATD PARROTTA: And...

18 OFC KENNEDY: I shouldn't say that. Officer Stewart started to and we told him we
19 were essentially all set.

20 ATD PARROTTA: Okay. Um and this is around 4:30 close to Christmas downtown
21 Seattle?

22 OFC KENNEDY: Yes.

23

24

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1 ATD PARROTTA: Okay. Uh did any police officer try to contact any civilian witnesses
2 to get uh statements?

3 OFC KENNEDY: Yes.

4 ATD PARROTTA: Who uh attempted to do that?

5 OFC KENNEDY: I did.

6 ATD PARROTTA: You did?

7 OFC KENNEDY: Yes.

8 ATD PARROTTA: Okay. Did you uh did anybody talk to you?

9 OFC KENNEDY: No.

10 ATD PARROTTA: Okay.

11 OFC KENNEDY: I went down to the corner. A lotta people...

12 ATD PARROTTA: (Unintelligible).

13 OFC KENNEDY: uh were there, uh a lotta people did observe this.

14 ATD PARROTTA: Yeah.

15 OFC KENNEDY: Um I'm familiar with that corner, having uh being an officer in Mary
16 Sector.

17 ATD PARROTTA: Yeah.

18 OFC KENNEDY: That's my area. Um I went down a corner uh which I would of done
19 anyways, but did at the direction of Sergeant Brown...

20 ATD PARROTTA: Mm-hm.

21 OFC KENNEDY: um and announced myself and indicated I was looking for anyone who
22 may have witnessed what had occurred and asked if anyone was
23 willing to speak with me, and if they would, come over and talk to me.

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W554 King County Courthouse
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1 ATD PARROTTA: Okay. At what point did you do that? Uh...

2 OFC KENNEDY: After Mr. Canty was up and put in the-I believe he was in the car, but I
3 can't say that for sure.

4 ATD PARROTTA: So in terms of him actually bein' taken down, would that have been
5 ten minutes after, twenty minutes after?

6 OFC KENNEDY: Not twenty minutes. I'd say probably within five, ten tops. But um
7 even though it seems like a long time, it wasn't a long time.

8 ATD PARROTTA: Okay.

9 OFC KENNEDY: Given the crowd, you're moving pretty fast.

10 ATD PARROTTA: Was there anyone-was it anyone's particular responsibility to do that
11 or is that just something you just did?

12 OFC KENNEDY: Um generally if there's a use of force...

13 ATD PARROTTA: Yeah.

14 OFC KENNEDY: the sergeant is going to direct anybody to start asking civil-we do it as
15 a matter of course...

16 ATD PARROTTA: Yeah.

17 OFC KENNEDY: uh to see if there are civilian witnesses.

18 ATD PARROTTA: Okay. And is someone is actually being arrested or taken down, okay
19 and you're involved in that, so you can't be obviously talking to
20 witnesses...

21 OFC KENNEDY: Sure.

22

23

24

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1 ATD PARROTTA: cause you're involved, right? If there's other officers there that are not
2 involved there and they're just kind of like what-what's the term you
3 use? Cover, is it?
4 OFC KENNEDY: Cover.
5 ATD PARROTTA: Cover, yeah. Uh would it be prudent for that police officer to try to
6 get a-talk to a witness?
7 OFC KENNEDY: Not until the scene is totally secure.
8 ATD PARROTTA: Okay.
9 OFC KENNEDY: So wouldn't happen as it was ongoing.
10 ATD PARROTTA: Yeah.
11 OFC KENNEDY: Ya know, once Mr. Carty is sort of removed from the area and there's
12 not an issue...
13 ATD PARROTTA: Mm-hm.
14 OFC KENNEDY: then I suppose it depends on the individual officer uh taking uh
15 looking...
16 ATD PARROTTA: 'Kay.
17 OFC KENNEDY: for work.
18 ATD PARROTTA: Okay. So if-so a police officer could, then, who's not involved in the
19 arrest uh seek out any, ya know, civilian witnesses and get a comment?
20 OFC KENNEDY: Anybody in theory could, yes.
21 ATD PARROTTA: Yeah. Okay. And uh and getting that people are moving around
22 pretty quickly at that time a the year, it wouldn't be a b-uh it would be
23
24

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W554 King County Courthouse
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1 advisable to try to get a witness statement before they leave, is that fair
2 to say?

3 OFC KENNEDY: I think it's fair to say that ideally you would get-if anyone would speak
4 to you, um sooner the better.

5 ATD PARROTTA: Yeah. Okay. And did you re-uh so you're the primary officer, so
6 you're obviously reviewing other people's police reports in this case?

7 OFC KENNEDY: I don't review their reports.

8 ATD PARROTTA: You don't re...

9 OFC KENNEDY: Reports.

10 ATD PARROTTA: okay.

11 || OFC KENNEDY: Um w

12 ATD PARROTTA: Yeah.

13 OFC KENNEDY: I think

14 | ATD PARROTTA: Yeah.

15 OFC KENNEDY: stopped

16 ATD PARROTTA: Yeah.

17 OFC KENNEDY: um I will sort of talk to everybody if there are missing pieces. And

they go off and write their own reports. I don't...

19 ATD PARROTTA: Okay.

20 OFC KENNEDY: necessarily review them.

21 ATD PARROTTA: Okay. And uh but then you would agree uh if you're the primary
22 officer, you talk to other people, but you would agree that it wouldn't

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1 necessarily be appropriate for other police officers who were involved
2 to be talking about what occurred...

3 OFC KENNEDY: I don't...

4 ATD PARROTTA: with each other?

5 OFC KENNEDY: I wouldn't say that's inappropriate, no.

6 ATD PARROTTA: No. Why not?

7 OFC KENNEDY: Cause we all talk.

8 ATD PARROTTA: Okay. Oh I understand that, but I mean uh in terms of uh n-mixing up
9 people's s-um versions of events, isn't it better that people stick to
10 their own recollection and write their own report before they start
11 talking with each other?

12 OFC KENNEDY: Think that would depend on the individual officer and their ability to
13 maintain their own version of events.

14 ATD PARROTTA: Okay. At the very least, it couldn't hurt to do it that way? To write
15 your report first and then talk about it afterwards?

16 OFC KENNEDY: In an ideal world.

17 ATD PARROTTA: 'Kay.

18 OFC KENNEDY: Unfortunately we don't live in it.

19 ATD PARROTTA: Okay.

20 OFC KENNEDY: And oftentimes I write reports after I've handled three or four different
21 calls, so it just depends on...

22 ATD PARROTTA: (Unintelligible).

23 OFC KENNEDY: how fortunate you were to get back and be able to write.

24
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1 ATD PARROTTA: Um and is the de-escalation policies, is that in the Seattle Police
2 Department um manual or do ya have de-escalation policies that are uh
3 available to the public or?
4 OFC KENNEDY: I think our manual and our policies are online.
5 ATD PARROTTA: Online?
6 OFC KENNEDY: Um and I would say uh to the best of my knowledge, and I'm sure it is
7 more detailed than I'm about to say to you, but essentially uh it's
8 always de-escalate when feasible.
9 ATD PARROTTA: Okay. I-I don't think I have any more questions. Dave uh might have
10 some follow-up questions and then I might, ya know...
11 OFC KENNEDY: Sure.
12 ATD PARROTTA: have a couple more.
13 INV LATOURETTE: I don't-I don't have much. Um let's see. I think we kind a covered
14 some of them already, in fact. Do you know when-was it Myers and
15 Anderson showed up at about the same time?
16 OFC KENNEDY: They were partners, so...
17 INV LATOURETTE: Okay.
18 OFC KENNEDY: so they ran a partner car, yes.
19 INV LATOURETTE: Okay. And again, I'm gonna borrow your saying of, correct me if I'm
20 wrong, but just to summarize, I think you said that Mr. Carty was kind
21 of backing up uh before they arrived, before Anderson and Myers
22 arrived?
23 OFC KENNEDY: There was some distance from...
24

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W554 King County Courthouse
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1 INV LATOURETTE: From Kang?

2 OFC KENNEDY: yes.

3 INV LATOURETTE: You said like five feet or something?

4 OFC KENNEDY: I would say so, but I was sort of a little bit behind it, and that's to the
5 best of my recollection.

6 INV LATOURETTE: Okay. And then you said that Myers positioned himself uh behind Mr.
7 Carty, is that right?

8 OFC KENNEDY: Not directly, but sort of off to-he was behind 'em, but I think off uh
9 Mr. Carty's right shoulder, if I remember. So sort of like behind, but
10 just off to the side.

11 INV LATOURETTE: So what direction was Mr. Carty facing at that point?

12 OFC KENNEDY: We-Officer Kang and I were still were still in the alley. We're right
13 sort of at the mouth there, uh and Mr. Kang-I'm sorry, Mr. Carty was
14 facing us.

15 INV LATOURETTE: Okay, so he's facing the alley?

16 OFC KENNEDY: Yes.

17 INV LATOURETTE: And so Mr. Myers, which direction did Mr. Myers come from?

18 OFC KENNEDY: So they-the...

19 INV LATOURETTE: The east?

20 OFC KENNEDY: the car came up-yes. So they came up the east um side and came out
21 of the car, so it would have been to Mr. Carty's sort of backside...

22 INV LATOURETTE: Okay.

23 OFC KENNEDY: cause he was facing the alley.

24

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1 INV LATOURETTE: Okay, so then Mr. uh Officer Myers came up from the east behind Mr.
2 Canty and off to Mr. Canty's right rear?
3 OFC KENNEDY: I can't say for certain which direction he came from, but to my
4 recollection that's where he ended.
5 INV LATOURETTE: Okay. So kind of blo-oh (unintelligible). And I'm tryin' to visualize
6 this. If Mr. Canty originally was backing, was he backing...
7 OFC KENNEDY: He had stopped.
8 INV LATOURETTE: to the north?
9 OFC KENNEDY: So Mr...
10 INV LATOURETTE: But when he was backing...
11 OFC KENNEDY: Yeah...
12 INV LATOURETTE: was he backing...
13 OFC KENNEDY: no, no. He...
14 INV LATOURETTE: to the north?
15 OFC KENNEDY: had-I apologize. Mr. Canty had stopped, like he had backed up and
16 created some distance between he and Officer Kang.
17 INV LATOURETTE: In which direction did he back up?
18 OFC KENNEDY: Towards the north.
19 INV LATOURETTE: Okay.
20 OFC KENNEDY: So like towards the street...
21 INV LATOURETTE: And the north...
22 OFC KENNEDY: if that helps.
23 INV LATOURETTE: is away from the mouth a the alley?
24

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1 OFC KENNEDY: Correct.
2 INV LATOURETTE: Okay.
3 OFC KENNEDY: So the...
4 INV LATOURETTE: And so...
5 OFC KENNEDY: alley runs north/south.
6 INV LATOURETTE: Right. And then so Mr., or Officer Myers came around and was
7 basically between Mr. Canty and going further north, the street, it
8 sounds like?
9 OFC KENNEDY: Not directly because he was a little further west, like toward-he was
10 off Mr. Canty's (unintelligible). So Mr. Canty was sort of uh turned
11 and facing us. We weren't direct-it wasn't like your twelve o'clock to
12 my twelve o'clock.
13 INV LATOURETTE: Sure, he's offset to some...
14 OFC KENNEDY: Right.
15 INV LATOURETTE: degree, maybe...
16 OFC KENNEDY: And so...
17 INV LATOURETTE: four o'clock or something.
18 OFC KENNEDY: Mr...
19 INV LATOURETTE: Mr. Canty's four...
20 OFC KENNEDY: Officer Myers was then offset to Mr. Canty.
21 INV LATOURETTE: Okay. And so right at that point, how many officers are around Mr.
22 Canty?
23 OFC KENNEDY: Officer Kang and I are in front of 'em.
24

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1 INV LATOURETTE: And so let's say it's the clock, and Mr. Canty's...
2 OFC KENNEDY: (Unintelligible)...
3 INV LATOURETTE: the-the post.
4 OFC KENNEDY: Okay.
5 INV LATOURETTE: So you're-you and um and Officer Kang are maybe at the eleven and
6 twelve or eleven and one?
7 OFC KENNEDY: If he's the center?
8 INV LATOURETTE: Mm-hm. And from his perspective...
9 OFC KENNEDY: We're at...
10 INV LATOURETTE: twelve...
11 OFC KENNEDY: five and six.
12 INV LATOURETTE: o'clock would be right...
13 OFC KENNEDY: Okay.
14 INV LATOURETTE: in front of him.
15 OFC KENNEDY: Okay. Gosh, that's gonna screw me up. Okay. So from his
16 perspective, if he's looking at us...
17 INV LATOURETTE: Uh-huh.
18 OFC KENNEDY: we're probably at eleven and-eleven and eleven-thirty.
19 INV LATOURETTE: Okay. Okay. And then um sticking with that same kind of way of
20 looking at it.
21 OFC KENNEDY: Okay.
22 INV LATOURETTE: Um Officer Myers maybe four, five o'clock?
23 OFC KENNEDY: Uh prob-that's fair to say. Uh...
24

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1 INV LATOURETTE: And that makes it easy.

2 OFC KENNEDY: Yes. I would say that's fair.

3 INV LATOURETTE: If you have an analog watch. Uh any other officers?

4 OFC KENNEDY: Office Anderson was there somewhere, but not-not necessarily-I don't
5 re-recall where she was. She's not engaged in any way, so I don't
6 remember where she was.

7 INV LATOURETTE: Okay.

8 OFC KENNEDY: I mean, I knew Officer Myers was sort of coming up and taking a
9 position of cover, so I was aware of him.

10 INV LATOURETTE: And what-what does cover mean? What-what is he covering from
11 behind Mr. Canty?

12 OFC KENNEDY: Given Mr. Canty's level of agitation, um how much he was yelling and
13 swearing, um Officer Myers uh I don't wanna speak for Officer
14 Myers, but if I had walked into that situation, I would have been
15 concerned. So would-I would have come closer to him to make sure if
16 Mr. Canty did anything, I would have been ready to go hands on.

17 INV LATOURETTE: Okay, and that...

18 OFC KENNEDY: That was my impression.

19 INV LATOURETTE: leads me to how close was Myers to Mr. Canty?

20 OFC KENNEDY: Probably within a foot or two.

21 INV LATOURETTE: Did um Mr. Canty appear to know that Mr-Officer Myers was there?

22 OFC KENNEDY: That's when he was super fixated on Officer Kang still, so no, he did
23 not appear to notice.

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W554 King County Courthouse
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1 INV LATOURETTE: Okay. Okay. And then a clarification here. So you um must a been in
2 the street helping Officer Anderson back a vehicle out of the way of
3 Office uh...
4 OFC KENNEDY: Espinoza.
5 INV LATOURETTE: Espinoza's vehicle?
6 OFC KENNEDY: Correct.
7 INV LATOURETTE: So he could back his vehicle out?
8 OFC KENNEDY: So I was backing up Officer Espinoza...
9 INV LATOURETTE: Oh, okay.
10 OFC KENNEDY: and Of-uh told Officer Anderson, can you back your car up a little bit,
11 cause she was sort of in the way...
12 INV LATOURETTE: Of him backing up?
13 OFC KENNEDY: and I wanted him to be able to get out cleanly.
14 INV LATOURETTE: Okay. And so that is when you had turned your attention away from
15 Gordillo, Myers and Canty?
16 OFC KENNEDY: Correct.
17 INV LATOURETTE: Okay.
18 OFC KENNEDY: The last time I had seen Gordillo, he was at the car and I knew that uh
19 Myers was probably the closest to Mr. Canty at that point in time.
20 INV LATOURETTE: Okay. And so you uh back up Espinoza, but now even backing him,
21 now your focus should be on the car and the surroundings to make
22 sure he doesn't run over any small children or anything, right?
23 OFC KENNEDY: Correct.

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1 INV LATOURETTE: But you're still sort of facing the trio?

2 OFC KENNEDY: Uh yes, uh to-they're still like in front a me to the right.

3 INV LATOURETTE: On the other side of the trunk of the car or whatever?

4 OFC KENNEDY: Um no, because the car-they're a little-because they're-as the car's

5 moving out, they're-they've moved a little bit.

6 INV LATOURETTE: Okay.

7 OFC KENNEDY: Because the car's coming right out where people had been standing, or

8 close to it.

9 INV LATOURETTE: Okay.

10 OFC KENNEDY: So just as a slow progression, people started to move on the sidewalk.

11 INV LATOURETTE: Okay. And so...again, I don't want you to have to make up what other

12 people might be thinking, but if you have-if you have uh a situation...

13 [Unintelligible talk in room]

14 INV LATOURETTE: that seems like it's going sideways, would people take that opportunity

15 to um disengage and-and move a car and back a car out?

16 OFC KENNEDY: I apologize. Can you say that again?

17 INV LATOURETTE: Slightly hypothetical, but slightly also related to this incident.

18 OFC KENNEDY: Yeah.

19 INV LATOURETTE: If you have a s-situation that looks like it might be going sideways,

20 will people disengage from it to move a car?

21 OFC KENNEDY: That's what I was doing so other people would remain engaged.

22 INV LATOURETTE: Okay.

23 OFC KENNEDY: So everybody sort a...

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W554 King County Courthouse
516 Third Avenue
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1 INV LATOURETTE: So...

2 OFC KENNEDY: has their role.

3 INV LATOURETTE: okay, so maybe it just depends on the level of the perceived threat that

4 two people could handle it and no-more people didn't need to help?

5 OFC KENNEDY: Fair. Yes.

6 INV LATOURETTE: Okay. And-and then, again I'm summarizing what you said, so after

7 you helped uh assisted backing Espinoza's car, you started going back

8 towards the three or you saw something happening, physical

9 happening?

10 OFC KENNEDY: So they had moved a little bit further on the sidewalk and my attention

11 was refocused uh because there was still a lot of yelling.

12 INV LATOURETTE: Okay.

13 OFC KENNEDY: Um and this time I noticed-I had lost track of Mr. Carty cause I was

14 focused on a car.

15 INV LATOURETTE: Mm-hm.

16 OFC KENNEDY: At this point in time when I found him again, he was engaged with

17 Officer Myers.

18 INV LATOURETTE: Okay. And that's when you began running towards them?

19 OFC KENNEDY: Not at that point in time...

20 INV LATOURETTE: Okay.

21 OFC KENNEDY: cause my attention was focused, but I didn't necessarily feel the need

22 to go towards them...

23 INV LATOURETTE: Okay.

24
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1 OFC KENNEDY: at that point in time. Uh I started to pick up my step once the initial
2 altercation occurred, and then started to run when the punch occurred.
3 INV LATOURETTE: Okay. And so when the punch occurred, um it was just Gordillo and
4 Myers and Mr. Carty in front of you?
5 OFC KENNEDY: Officer Kang was slightly in front of me...
6 INV LATOURETTE: Okay.
7 OFC KENNEDY: but not with-he was closer to me than them.
8 INV LATOURETTE: Okay, but he was also in front of you?
9 OFC KENNEDY: Yes.
10 INV LATOURETTE: Okay. Okay. Uh if you wanna follow up at all with the uh
11 (unintelligible). This?
12 ATD PARROTTA: No, that's okay.
13 INV LATOURETTE: Okay. That-I think that's about all I have. Thank you.
14 OFC KENNEDY: Certainly.
15 INV LATOURETTE: Um...
16 DPA PETERSEN: Good, cause I think we're getting kicked out.
17 ATD PARROTTA: Oh real-really? Okay. Uh well thank you.
18 OFC KENNEDY: Sure.
19 ATD PARROTTA: I appreciate it. Okay.
20 INV LATOURETTE: Alright, we're gonna conclude the recorded interview. It's
21 approximately 4:33 p.m.
22 (Interview ends)

23
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1 OFC KENNEDY: It wasn't uh yes and no.
2 ATD PARROTTA: Okay.
3 OFC KENNEDY: Uh yes, O-Mr. Canty was walking towards Officer Myers. Um Officer
4 Myers (unintelligible) I think had his hands somewhere on his uh outer
5 vest. Um when Mr. Canty started to come closer, Officer Myers put
6 his hands up directly in front of him. They weren't like extended, they
7 were...
8 ATD PARROTTA: Mm.
9 OFC KENNEDY: just in front of him. Uh...
10 ATD PARROTTA: Did he contact...
11 OFC KENNEDY: No.
12 ATD PARROTTA: Canty?
13 OFC KENNEDY: Uh Mr. Canty initiated the contact. To my recollection, Mr. Canty
14 initiated the contact uh with Officer Myers.
15 ATD PARROTTA: Where were you standing when that...
16 OFC KENNEDY: Um...
17 ATD PARROTTA: happened?
18 OFC KENNEDY: at an angle. Um I was sort of to the uh back and to their right.
19 ATD PARROTTA: And when you say a-a-and so what you're telling us is, Kyle Canty
20 closed down the space between him and Myers, Myers did not close
21 down the space towards Canty?
22 OFC KENNEDY: That's fair to say.
23
24

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1 ATD PARROTTA: Okay. And um so durin' that initial contact, Kyle Carty walked into
2 Officer Myers. Officer Myers stuck out his-both his hands, but did not
3 make contact. And uh...
4 OFC KENNEDY: Mr. Carty didn't walk into him at that point in time.
5 ATD PARROTTA: Oh.
6 OFC KENNEDY: Like he was walkin' towards 'em, so I think Officer Myers put his
7 hands up to keep the distance.
8 ATD PARROTTA: Okay.
9 OFC KENNEDY: Um and then when his hands were up, that's when Mr. Carty pushed
10 out.
11 ATD PARROTTA: Okay, and because we-we're not video recorded, I'm going to uh
12 describe what you did with your hands.
13 OFC KENNEDY: Sure.
14 ATD PARROTTA: And correct me if I'm wrong. When you said pushed out, uh you're
15 saying that you recall Kyle Carty pushing out with both his hands?
16 OFC KENNEDY: I believe so, yes.
17 ATD PARROTTA: Okay. And at that point what happened?
18 OFC KENNEDY: Um...
19 ATD PARROTTA: U-I-I think you told me...
20 OFC KENNEDY: Okay.
21 ATD PARROTTA: I think you told me what happened, um and I'm gonna repeat it and
22 then tell me if I...
23 OFC KENNEDY: Sure.

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W554 King County Courthouse
516 Third Avenue
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1 ATD PARROTTA: uh uh you-correct me if I'm wrong. So I think earlier you said Kyle
2 Canty uh pushed with his-both his hands, uh and Officers [sic] Myers'
3 hands went back towards himself. The Officer Myers pushed Kyle
4 Canty and Kyle Canty went backwards?
5 OFC KENNEDY: Y-at least one of uh Officer Myers' arms sort of kind of went back into
6 his chest.
7 ATD PARROTTA: Yeah.
8 OFC KENNEDY: Uh and then Officer Myers pushed back and Mr. Canty took at least I
9 would say one or two steps back.
10 ATD PARROTTA: Then what happens uh from your per-uh...
11 OFC KENNEDY: Um...
12 ATD PARROTTA: perspective?
13 OFC KENNEDY: and all of this is happening I will say very quickly.
14 ATD PARROTTA: Yeah.
15 OFC KENNEDY: Uh Officer Gordillo, I don't remember him before that.
16 ATD PARROTTA: Yeah.
17 OFC KENNEDY: I just remember the next thing I remember him being next to uh
18 Officer Myers um and saying something to the effect of, did he just
19 assault you. Um Officer Myers indicated that he did. There was some
20 interaction between them. I couldn't tell ya the conversation, but I
21 knew from the conversation that they were gonna place him under
22 arrest, uh him being Mr. Canty.
23 ATD PARROTTA: So what happens at that point?

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W554 King County Courthouse
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1 OFC KENNEDY: That point in time uh as that was sort of going on, Mr. Carty was kind
2 of uh the best way to describe him is, I think he was uh his eyes were
3 kind a lookin' around. He almost had like a bounce to his step. I-from
4 what I believed, I thought he was going to run um just based upon his
5 movements and the fact that he was looking around. Um Officer
6 Gordillo and Myers both took a step towards Mr. Carty. I can't
7 remember if they grabbed him and he shook loose or if that's when the
8 punch occurred first off. I think they went to grab 'em uh uh and
9 things were happening quickly and I remember Mr. Carty uh punching
10 his right fist uh and sort of launching himself. Cause it was a-it was a
11 full-body punch uh towards Officer Gordillo. Uh his right fist
12 connected with Officer Gordillo's, the left side of his face, the eye and
13 cheek area.

14 ATD PARROTTA: And did you see that or is that something you read and...

15 OFC KENNEDY: No, that's...

16 ATD PARROTTA: (unintelligible)?

17 OFC KENNEDY: something that I saw.

18 ATD PARROTTA: You saw? Okay. And where were you standing when that-where-
19 where were everyone's bodies positioned when you saw that?

20 OFC KENNEDY: I was still uh sort of at an angle. I mean, even though I'm walking,
21 each thing I'm sort of starting to move a little bit faster.

22 ATD PARROTTA: Yeah.

23
24 TRANSCRIPT OF OFFICER ELIZABETH
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516 Third Avenue
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(206) 296-9000, FAX (206) 296-0955

Exhibit 43

Front + back Pgs

1

2

3

4

5

6 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

7 STATE OF WASHINGTON,

)

)

8 Plaintiff,) No. 16-1-06917-3 SEA
9 vs.)
10 KYLE LYDELL CANTY,) TRANSCRIPT OF OFFICER CANEK
11 Defendant.) GORDILLO INTERVIEW
12)
13)

INV LATOURETTE: This is investigator Dave LaTourette. It is March twenty-seventh, two thousand seventeen. It's approximately thirteen hundred hours. We're in the King County Prosecutor's Office—offices for a defense interview of Seattle Police Department Officer Gordillo, regarding the Canty case. It's cause number 16-1-06917-3. And uh we've—I'm gonna pass the mic around for everyone to introduce themselves and give permission to record. And could I begin with you? If you would state your name, spell your name if it's not easy, and give us permission.

OFC GORDILLO: My name Canek Xavier Gordillo. My last name is spelled G-O-R-D-I-L-L-O. You have my permission to audio record me.

INV LATOURETTE: Thank you.

TRANSCRIPT OF OFFICER CANEK GORDILLO
INTERVIEW - 1
1704-023

Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

16-1-06917-3 SEA

Canty_K 0444

1 DPA PETERSEN: Jennifer Petersen, prosecutor. And you have my permission to record.

2 CRAWFORD: Brendan Crawford, Rule nine. You have my permission to record.

3 ATD PARROTTA: Sandro Parrotta. S-A-N-D-R-O, P-A-R-R-O-T-T-A. Uh, you have my
4 permission to record. I am defense counsel for Kyle Canty. And Officer
5 Gordillo. Is it...

6 OFC GORDILLO: Yes.

7 ATD PARROTTA: Gordillo or Gordillo?

8 OFC GORDILLO: Gordillo.

9 ATD PARROTTA: Gordillo. Uh, Officer Gordillo, um I see you have uh police report in...

10 OFC GORDILLO: Would you like...

11 ATD PARROTTA: front of you.

12 OFC GORDILLO: at it? This is my statement.

13 ATD PARROTTA: Yeah. I have a copy of it. Um, is that the only report you uh drafted in
14 this case?

15 OFC GORDILLO: Yes.

16 ATD PARROTTA: Okay. And—...

17 OFC GORDILLO: Do you mind if I have it in front of me while we talk?

18 ATD PARROTTA: no not at all. Refer to it at any time. Officer Gordillo, uh how long have
19 you been on the force?

20 OFC GORDILLO: Um, this is actually not only uh report I drafted. 'Cause there's—Seattle
21 Police (unintelligible) their reports. So...

22 ATD PARROTTA: Okay.

23

24

TRANSCRIPT OF OFFICER CANEK GORDILLO
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1 OFC GORDILLO: this is the only statement in regards to the criminal case. There's a use
2 of force statement that was also provided.
3 ATD PARROTTA: A use of force statement. Uh and was that a do you recall a one-page
4 statement? Was it a mul—was it a multi-page statement?
5 OFC GORDILLO: I believe it's identical to this report.
6 ATD PARROTTA: Identical? Yeah.
7 OFC GORDILLO: Minus uh the force I used.
8 ATD PARROTTA: Okay. Alright. And thank you for clarifying that. Uh, so I'll go back to
9 my original question. How long have you been on the force?
10 OFC GORDILLO: Uh, I was hired in March of two thousand thirteen.
11 ATD PARROTTA: March of two thousand thirteen. And I don't know how strong your
12 uh...
13 INV LATOURETTE: It's good.
14 ATD PARROTTA: record—it's good? Okay. And can you describe your um training and
15 experience, uh and then the type of experience you've had since you've
16 become an officer?
17 OFC GORDILLO: Sure. Well, I'll start at the beginning. Uh, in May of two thousand
18 eleven I attended Seattle University. I attained a Juris Doctorate uh from
19 the Seattle University School of Law. Um, in June of two thousand
20 twelve I was admitted by the Washington State Board to practice.
21 However, um at that time I had already decided I had wanted to become
22 a Seattle Police Officer. I was in the process of being hired. I was hired
23 in March of two thousand thirteen. Immediately upon entry into s—the
24

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1 Seattle Police Department I uh complete the basic law enforcement
 2 academy at the Washington State Criminal Justice Academy. Um, it's a
 3 standardized curriculum. I complete that uh and I uh then went through
 4 the FTO process, which um consists of uh three rotations and different
 5 watches or different precincts. Being directly supervised by a field
 6 training officer, uh handling uh 911 calls um and getting feedback about
 7 your performance. Uh, after completing that uh FTO process I was on
 8 probation for the remainder of the one year. Uh, I then uh became a
 9 non-probationary officer. And so a full uh police officer. Um, after that
 10 in December of two thousand fourteen I took the um state um crisis
 11 intervention team training. Uh, it's standardized curriculum. I am CIT
 12 certified by the state. Um, in my capacity as a police officer I work um
 13 downtown and what's commonly referred to as the Pike/Pine corridor.
 14 Um, I work police mountain bike. A normal day consists of responding
 15 to 911 calls, uh making narcotics arrests, dealing with um different street
 16 uh issues from disorderly conduct or um people with mental health
 17 issues, trespassing, um to more nuance cases, maybe uh drug sales. Um,
 18 I also respond directly to different community complaints. People that
 19 live in the area, um both better part of the homeless community and uh
 20 people that own businesses or operate businesses in the area.

21 ATD PARROTTA: And—...

22 OFC GORDILLO: Also—...

23 ATD PARROTTA: go ahead.

24 TRANSCRIPT OF OFFICER CANEK GORDILLO
 INTERVIEW - 4
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1 OFC GORDILLO: uh I've also complete um some additional training. I've completed a
2 four-day surveillance techniques course uh put on by the Seattle Police
3 Department. A four-day interview—interview and interrogation course
4 put on by the Reid Institute. Um and most recently um I've completed
5 Seattle Police Department's anticrime team training.

6 ATD PARROTTA: And prior to this incident date, did you ever have any uh one-on-one
7 contact with Kyle Canty?

8 OFC GORDILLO: Not that I recall.

9 ATD PARROTTA: 'Kay. And I did read your report. Uh, it appears you had heard of
10 Mister Canty. Um, is that correct?

11 OFC GORDILLO: That's correct.

12 ATD PARROTTA: So tell me um—and you don't have to go all the way back to the um
13 initial investigation of the collateral suspect in the case um that was
14 under arrest. Uh, but can you tell me what occurred that day uh from
15 memory uh to the best of your ability? And if you need to look at your
16 report that's fine. But can you tell me what you recall happening in a
17 chronological order?

18 OFC GORDILLO: When would you like me start chronologically?

19 ATD PARROTTA: Uh, when you first uh became uh aware that Mister Canty uh was um in
20 the area.

21 OFC GORDILLO: So um we were in the three hundred block of Pike Alley South. Uh, we
22 had just arrested another suspect who was—I forgot his full name, but I
23 believe his first name is Kadeem (sp?). Um and we were in the process

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1 of searching him incident to arrest and Mirandizing him and looking for
2 uh heroin that I believe he dropped in the alley or as he was running to
3 the alley. Uh, Canty approached and very vehemently ex—expressed
4 his displeasure with the backing officers or Seattle Police Department in
5 general.

6 ATD PARROTTA: Can I just stop for you for a—a second there. Um...

7 OFC GORDILLO: Sure.

8 ATD PARROTTA: did you see Mister Canty approach?

9 OFC GORDILLO: I saw uh—...

10 ATD PARROTTA: Or was he already there when you (unintelligible)...

11 OFC GORDILLO: n—no. He was...

12 ATD PARROTTA: (unintelligible).

13 OFC GORDILLO: not there when I arrived.

14 ATD PARROTTA: Okay. See and I'm most uh interested in what you observed and heard.

15 Uh, if that's—if that's possible.

16 OFC GORDILLO: Sure. So I observed Kyle Canty insert himself into another arrest. Um
17 and uh I don't know if his intent—uh at the time I thought his intent was
18 uh to just create diversion. I don't know if he had a relationship or the
19 extent of the relationship that he had with the individual that we had
20 in—in custody. But I do know that he had nothing to do with the arrest
21 of that individual. He couldn't have known why we arrested him
22 because why we arrested him was only known to myself, to my partner
23 Officer Merritt, and the suspect right then.

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W554 King County Courthouse
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1 ATD PARROTTA: Do you recall which direction Mister Canty approach or what direction
2
Mister Canty was walking when you seen him?
3 OFC GORDILLO: Um, I first saw him as he was walking on the back passenger side of the
4 patrol car. So that would be I believe the west side of the patrol car. I
5 ha—I believe he came from a—around the—from the east side of that
6 car.
7 ATD PARROTTA: And so when you say the east side are—are you—...
8 OFC GORDILLO: The driver's side.
9 ATD PARROTTA: the driver's side.
10 OFC GORDILLO: Or...
11 ATD PARROTTA: 'Kay.
12 OFC GORDILLO: from behind. But I first saw him as he was on the passenger—rear
13 passenger side of the car. Which if you were looking at the car itself...
14 ATD PARROTTA: Yeah.
15 OFC GORDILLO: would be the northwest side of the car.
16 ATD PARROTTA: Okay. And when you first saw him was he on the sidewalk? Was he on
17 the street?
18 OFC GORDILLO: He was on the sidewalk in the three hundred block of Pike.
19 ATD PARROTTA: Okay.
20 OFC GORDILLO: The south side.
21 ATD PARROTTA: Okay. Continue please.
22 OFC GORDILLO: Continue—what is your questions?
23 ATD PARROTTA: Oh. So then what happened?
24

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1 OFC GORDILLO: So um he was causing a disturbance. He was yelling at Officer uh
2 Hudson. Officer Kennedy was there as well. They were our backing
3 officers. Um, I remember him sayin' somethin' to the extent of fuck you
4 too Officer Hudson. But I was sort of tuning him out 'cause I was still
5 dealing with um Kadeem, the other suspect. And I was still uh
6 concerned there wa—he had dropped some heroin in the uh—in the
7 alley there. Uh, Carty was uh um intent on yelling and—and I think he
8 was yelling at—something to Kadeem about a phone. About I'll call
9 someone or something to that—to that extent. But exact words I can't
10 recall. And I believe it's captured on um...uh...audio recording of
11 Officer Hudson.

12 ATD PARROTTA: Did you listen to Officer Hudson's audio recording?

13 OFC GORDILLO: I have not. It would certainly refresh my recollection if I was afforded
14 that opportunity.

15 ATD PARROTTA: And then what happened?

16 OFC GORDILLO: Um, then um I was booking uh...on the uh entrance to the alley and on
17 the side of uh the car. Just put Kadeem in the car and I was starting to
18 look for um sort of a small brown item of heroin. And uh I saw out of
19 the—as I was—like just in front of me um I saw Carty push uh Officer
20 Myers who had arrived moments earlier. And then told Carty—and I
21 don't know exactly what he told him, but my—my guess is like to get—
22 to leave the area. And um I saw Carty push Officer Myers in the chest
23 area and I saw Officer My—Myers sort of uh his body go—go

24
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W554 King County Courthouse
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1 backwards. Um, at that point I went to Officer Myers side and I asked
 2 did he just assault you. Um and Officer Myers stated he did. And we
 3 um approached Canty together. At that—at this point Canty had started
 4 to—at—at the time I thought Canty was about to run. Um, but he was
 5 going westbound in the three hundred block of Pike. Um, in—in
 6 retrospect I think Canty was giving that space necessary for a fight. Um,
 7 I—I approached Canty uh and the moment I approached him I recall that
 8 we were facing each other. And uh I didn't really see it, but I certainly
 9 felt. I didn't see the initial part of it, but Canty threw a—a solid right
 10 hook to my temple area. Um, it was a—a very well placed punch and it
 11 connected perfectly. I—I don't know if you've had the experience
 12 getting hit in the head, but um I saw flashes of light. I was disoriented.
 13 Um, he basically rung by bell. But uh—uh and it—it's a little bit hard to
 14 describe. To—for me to describe exactly what happened next. But I
 15 recall punching Canty immediately back with my right hand. And then
 16 simultaneously Canty had pulled me to the ground from my left shoulder
 17 area, the left part of my vest. Canty pulled hard enough that he
 18 separated my vest. Um and uh maybe a—a moment or two passed as I
 19 was still heavily dazed from the—from the punch I'd received. But I
 20 recall him yanking my microphone off of the right side of my vest and
 21 striking me with it in his hand. And I recall that vividly because I was
 22 almost embarrassed that I had this notion of that he was broadcasting
 23 uh—or he might have been broadcasting the fight over radio. And uh
 24

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1 that's one of those funny things that doesn't—doesn't matter at all
2 because it's not important. But it's also uh you know in the moment
3 of—of being hit I remember thinking, oh no, he's—he's got my radio. I
4 was also really worried that um I was gonna get strangled by the uh
5 radio cord because my radio is fixed on my lower right side. And at that
6 point he was um—he had control of the microphone and it was over on
7 my right side. So the way it loops around me it's fairly obvious that it
8 can easily go around the—the neck. And I'm aware that other officers
9 have been strangled by their mics.

10 ATD PARROTTA: And at this—at this moment where—what's his body positioning? Uh,
11 what's your body positioning?

12 OFC GORDILLO: Uh, just—...

13 ATD PARROTTA: Are you both on the ground or you—...

14 OFC GORDILLO: yeah. I'm um—...

15 ATD PARROTTA: who's on top of who?

16 OFC GORDILLO: uh Canty is on the sidewalk. Um, I think he's on his—his back, possibly
17 his right side. I know that fell. But Canty pulled me down onto the
18 sidewalk and I struck my left elbow um and forearm on the—on the
19 sidewalk. Um, I might have been partly over Canty's right side or partly
20 to Canty's right.

21 ATD PARROTTA: And when you and Canty had contact during these uh exchanges of
22 punches, um uh did you grab onto a part of his body?

23
24
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W554 King County Courthouse
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1 OFC GORDILLO: I was trying to grab the arm that was punching me. I was trying to
2 control that arm.
3 ATD PARROTTA: And—...
4 OFC GORDILLO: Which I believe was his—his right arm.
5 ATD PARROTTA: and what about Officer Myers? What—...
6 OFC GORDILLO: I'm—I'm not sure. Uh...
7 ATD PARROTTA: 'kay. Do you know...
8 OFC GORDILLO: uh—...
9 ATD PARROTTA: who uh—do you know if Officer Myers grabbed Carty before you or if
10 you grabbed Carty before Officer Myers?
11 OFC GORDILLO: as I recall I arrived—or I was closer to Carty than Officer Myers by you
12 know maybe a foot or two feet when Carty punched me. Carty started
13 to grab me and then sort of uh I am aware of Officer Myers grabbing
14 Carty to—to my right. How specifically he grabbed Carty, I—I don't
15 know. Um, but and then I'm aware when I—I hit the sidewalk that my
16 right side, my right elbow and forearm specifically hit the sidewalk and
17 then I was to Carty's right. Carty's right hand was controlling—was—
18 was on my—my—he had pulled my vest and separated it at the shoulder
19 exposing a knife that I keep within the vest and was striking me with his
20 hand and—and the microphone. Uh, it was—it was violent and very
21 fast. And uh I—I had, as I've stated, just—I was just punched in my left
22 temple, so the specifics of how many times he struck me in the shoulder
23 area or how um Officer Myers was position in regards, I—I certainly...
24

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W554 King County Courthouse
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1 ATD PARROTTA: [Sneezes]. Excuse...

2 OFC GORDILLO: can't answer...

3 ATD PARROTTA: me.

4 OFC GORDILLO: that.

5 ATD PARROTTA: Okay.

6 OFC GORDILLO: Um...

7 ATD PARROTTA: And—and just p—just prior to uh any physical contact between the two
8 of you, was uh Kyle Carty, uh what was his body positioning? Was he
9 uh—was he approaching you? Was he running away with his back
10 turned? Was he backing up? What—what was his body positioning?

11 OFC GORDILLO: so—so just prior to Carty punching me, he was facing me s—sorta
12 similar to um this gentleman in front of me.

13 ATD PARROTTA: So face-to-face.

14 OFC GORDILLO: Face-to-face.

15 ATD PARROTTA: Okay. And uh just prior to that was he backing away from Officer—
16 from you and Officer Myers?

17 OFC GORDILLO: So this is sorta one of the unfortunate things about being punched in the
18 head is I—I don't remember the exact sequence of steps Carty took
19 from when he pushed Officer Myers to when he punched me in the head.
20 I—I remember his position when he punched me. Um and I remember
21 thinking uh-oh he's running. And now I think that what he was doing is
22 making a—an arena, a space on the sidewalk. 'Cause there was other
23 foot traffic in the—in the area at the time. It's around Christmastime. I

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1 think as I recall there's people sort of walking by that I'm sort of
2 vaguely aware of. And so I think Carty was making that sort of intuitive
3 distance to—to fight. Had I—I think had I r—had I realized that, I don't
4 know, I—I'd like to think maybe I wouldn't have gotten caught so
5 unawares with the punch.

6 ATD PARROTTA: And when you were on the ground um initially with Kyle
7 Carty...excuse me...um and Officer Myers was with you, did other
8 officers jump in uh on Mister Carty?

9 OFC GORDILLO: Uh, I don't know what you mean by jump in.

10 ATD PARROTTA: Jump on top of the pile or jump on top of the two of you.

11 OFC GORDILLO: I—I think there were a number of other officers that assisted with
12 arresting Mister Carty and...

13 ATD PARROTTA: How many—...

14 OFC GORDILLO: preventing him from continuing to assault me.

15 ATD PARROTTA: how many officers?

16 OFC GORDILLO: I don't know.

17 ATD PARROTTA: More than five?

18 OFC GORDILLO: Initially, I don't think so.

19 ATD PARROTTA: No. Um, would you say there was initially less than—less than three?

20 OFC GORDILLO: I—in the immediate vicinity of Officer Myers when he was assaulted
21 was myself, Officer Kang, and Officer Kennedy.

22 ATD PARROTTA: 'Kay.

23

24

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516 Third Avenue
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1 OFC GORDILLO: So I—I would hope that Officer Kang and Officer Kennedy were the
2 next officers to prevent Canty's continued assault on me.
3 ATD PARROTTA: Well I—I understand you hope but...
4 OFC GORDILLO: But I can sa—...
5 ATD PARROTTA: (unintelligible) but I'm just askin' what you saw. What—what you
6 remember what you saw. Did you see uh more officers other than
7 yourself and Officer Myers on top of Mister Canty during the—the
8 struggle when you—you said he was hitting you?
9 OFC GORDILLO: Um, I—not—not really. I think it's possible I saw Officer Hudson
10 and—or Kang—Hudson Kang is his name. Um, like immediately
11 afterwards because I remember him bein' like right to my right as we
12 cuffed. But I don't—I don't know who else was there. So in terms of if
13 you wanted to—I—I think—I'm—I'm positive myself, uh Officer
14 Myers, and Officer Hudson were holding Canty to the sidewalk prior to
15 him being handcuffed.
16 ATD PARROTTA: 'Kay. And when he was handcuffed, how many police officers uh were
17 assisting in the arrest of Mister Canty or restraining him?
18 OFC GORDILLO: Well, so that's two different things.
19 ATD PARROTTA: Okay. Restraining him, you know to put his handcuffs on.
20 OFC GORDILLO: As I recall Officer Kang produced the handcuffs. Um and Officer Myers
21 and I controlled uh Canty's, I believe it's his right arm and Hudson
22 controlled his left arm to hand—to handcuff. Um, there was probably
23 another officer there, but I don't know what they were doing. So I'm

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W554 King County Courthouse
516 Third Avenue
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(206) 296-9000, FAX (206) 296-0955

1 guessing that there was at least another officer that assisted prior to
2 being handcuff—prior to Canty getting handcuffed.

3 ATD PARROTTA: Okay. Uh, do you recall if there was like maybe six, seven, or eight
4 officers on top of Canty?

5 OFC GORDILLO: I don't recall six, seven, or eight officers on top of Canty.

6 ATD PARROTTA: Okay. And um you were um at the scene for a little while longer before
7 you left. Is that correct? At the scene of this—uh you know of this
8 incident.

9 OFC GORDILLO: Yes.

10 ATD PARROTTA: What did you do after uh Mister Canty was handcuffed and placed in a
11 patrol vehicle?

12 OFC GORDILLO: So once Canty was handcuffed—and I'm distinguishing this from uh
13 previous question. There were several officers, six, seven, eight, maybe
14 ten, I don't know, who were in the immediate vicinity who assisted.
15 Um, they took Canty and other officers took Myers. He was in the
16 middle—or before Canty was in handcuffs, Officer Myers was telling
17 me his ankle was broken. It was messed up. It's broke. That he
18 couldn't move. And I was um—had so much adrenaline I was a little
19 confused. I was insisting that I was fine 'cause I was really concerned
20 about Officer Myers. And—and I was also uh trying to continue my
21 investigation of the previous suspect and to try and find the heroin that I
22 thought he dropped.

23
24
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W554 King County Courthouse
516 Third Avenue
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(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: Did you at any time during uh the take down of Mister Canty when he
2 was being controlled to be handcuffed, did you see any officers assault
3 Mister Canty in any way?

4 OFC GORDILLO: Could you rephrase the question so it's not maybe...

5 ATD PARROTTA: Um, no I can't. I'm just askin' you...

6 OFC GORDILLO: 'kay.

7 ATD PARROTTA: a straight up question.

8 OFC GORDILLO: I didn't see any officers assault Mister Canty. I saw...

9 ATD PARROTTA: Okay.

10 OFC GORDILLO: officers attempt arrest Mister Canty as he was assaulting me.

11 ATD PARROTTA: Okay. And uh at any time during Mister Canty's conversations with
12 Officer Kang, did you say anything to Mister Canty when—when you
13 entered the scene?

14 OFC GORDILLO: I did.

15 ATD PARROTTA: What did you tell him?

16 OFC GORDILLO: I told Mister Canty it's no trespassing alley and to back up.

17 ATD PARROTTA: 'Kay. And do you recall how many times you told him to do that?

18 OFC GORDILLO: More than once.

19 ATD PARROTTA: More than once. And when uh you told Mister Canty that uh did he start
20 to back up at any point?

21 OFC GORDILLO: I think he stood exactly where he was when I told him.

22 ATD PARROTTA: Okay. Did you hear anybody else tell him to back up?

23 OFC GORDILLO: I heard Officer Kang tell him it was a no trespassing alley.

24
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W554 King County Courthouse
516 Third Avenue
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(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: And did you see Mister Canty back up from the spot he was standing
2 when you told him to back up at any time?

3 OFC GORDILLO: Um...not exactly, no. But where I had told him to back up he—he did
4 go like...well three, a few feet further from the mouth of the alley. But I
5 don't believe it was in response to me telling him to back up.

6 ATD PARROTTA: Okay. So but he moved a few feet. Did he move a few feet towards you
7 or away from you?

8 OFC GORDILLO: Um...I guess away would be the—but I think I moved as well. I moved
9 back into the alley—or—yeah. I think. It's uh—it's—I'm—I'm
10 speculating because you're asking for—I don't understand your question
11 I think.

12 ATD PARROTTA: Okay. I'll rephrase it. You told me earlier that you told Mister Canty
13 um to back away and not come in the alley. Is that correct?

14 OFC GORDILLO: Yeah.

15 ATD PARROTTA: Okay. And so when you told him to do that at any point after you told
16 him that did you see him back away?

17 OFC GORDILLO: Where he assaulted Officer Myers and where he assaulted me would be
18 further from the mouth of the alley when I had originally told him. So
19 in—in that way of thinking he was further away from the mouth of the
20 alley.

21 ATD PARROTTA: Okay. Did you see him move or were you distracted or...

1 OFC GORDILLO: Yeah I think you've—you've asked this before and I've explained that.
2 I don't know exactly how he moved, but that he was facing me when he
3 punched me.

4 ATD PARROTTA: Okay. And you described him um assaulting uh Officer Myers.

5 OFC GORDILLO: I said he—I thought he pushed Officer Myers...

6 ATD PARROTTA: Okay.

7 OFC GORDILLO: in the chest area.

8 ATD PARROTTA: In the—you thought he pushed Officer Myers in the chest?

9 OFC GORDILLO: He—he did.

10 ATD PARROTTA: And how did he push him? Can you um describe that?

11 OFC GORDILLO: Yes. With both hands and outward push motion away from Carty's
12 body.

13 ATD PARROTTA: Okay.

14 OFC GORDILLO: Towards...

15 ATD PARROTTA: Okay. So I—I just wanna get this—and correct me if I'm wrong
16 because this isn't video recorded. You just had both your hands in
17 toward your chest and you pushed them outwards with uh both hands
18 extended. Is that correct?

19 OFC GORDILLO: Yes.

20 ATD PARROTTA: Okay.

21 OFC GORDILLO: That's what I did.

22

23

24

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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: So he pushed Officer Myers beginning with both hands in towards
2 Mister Canty's own chest and he pushed both his hands out and hit
3 Mister—or Officer Myers where?
4 OFC GORDILLO: In the chest area.
5 ATD PARROTTA: In the chest area.
6 OFC GORDILLO: That was...
7 ATD PARROTTA: 'Kay.
8 OFC GORDILLO: my perception...
9 ATD PARROTTA: 'Kay.
10 OFC GORDILLO: that Canty pushed Officer Myers with both hands in Officer Myers chest
11 area.
12 ATD PARROTTA: Okay. And that's what you saw.
13 OFC GORDILLO: Yeah that's what I saw.
14 ATD PARROTTA: 'Kay. And at any time did you see Mister Canty clinch his fists prior to
15 uh the incident with you where he hit you?
16 OFC GORDILLO: I—I didn't see that.
17 ATD PARROTTA: Okay. Did you notice if he had anything in his hands?
18 OFC GORDILLO: I—I didn't notice. You're—you're talking about prior to his assault on
19 me I assume. 'Cause I've already said that my microphone was in his
20 hands at...
21 ATD PARROTTA: Yeah.
22 OFC GORDILLO: one point.
23
24

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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: Yeah prior—yes. yeah. And...and Mister—was Mister Canty loud and
2 obnoxious in your opinion?
3 OFC GORDILLO: Your words. Sure.
4 ATD PARROTTA: Okay. Um, were you upset with him when he was being uh verbally
5 obnoxious?
6 OFC GORDILLO: Not particularly. I wasn't pleased, but I don't—I don't mind if I'm
7 arresting someone and someone wants to watch. I don't—I don't mind
8 if they want to express their opinions while they're watching. Uh, but to
9 the extent that it obstructs my ability to investigate, it can be frustrating.
10 ATD PARROTTA: Of course. Um, so when—when—after they took Canty away you said
11 you went back and you—did you continue your investigation for the—
12 the—the heroin?
13 OFC GORDILLO: Yeah.
14 ATD PARROTTA: Okay. Um, do you recall uh specifically what you did to look for the
15 heroin?
16 OFC GORDILLO: Yeah.
17 ATD PARROTTA: What did you do?
18 OFC GORDILLO: Uh, I went up and down the alley that is south of the three hundred block
19 of Pike with a flashlight looking at the ground. I looked at the sidewalk
20 area to the east of where this incident took place. I then went over to the
21 other alley that is just east of Westlake park. 'Cause uh Kadeem, the
22 other suspect, had ran through that alley.
23 ATD PARROTTA: How did you get to that alley? Did you walk? Ride your bike?
24

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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 OFC GORDILLO: I think I walked my bike or road my bike.
2 ATD PARROTTA: And at any time uh during this incident did you talk to any other officers
3 about what just happened?
4 OFC GORDILLO: Yeah.
5 ATD PARROTTA: Do you recall who you talked to?
6 OFC GORDILLO: Yeah whoever was there. I was sayin' I'm okay. Officer Myers broke
7 his ankle. Help me find the heroin.
8 ATD PARROTTA: 'Kay. Did you uh attempt to stop any um citizens that were in the area
9 to see if uh they saw what happened?
10 OFC GORDILLO: Um...
11 ATD PARROTTA: With regards to the Carty incident, not the other incident.
12 OFC GORDILLO: I didn't see any citizens that saw what happened. I can't even describe
13 what the officer directly to my right was doing because I had just been
14 punched in the head. So I—I'm not even sure who else was standing
15 there. It could have been five people or one person. I don't know if
16 there were any civilian witnesses.
17 ATD PARROTTA: Okay. And if there was multiple police officers there would you expect
18 at least one of 'em to try to secure a civilian witness?
19 OFC GORDILLO: Not necessarily.
20 ATD PARROTTA: Why not?
21 OFC GORDILLO: 'Cause I think they might not have known what had happened.
22 ATD PARROTTA: Um...but you don't know that for certain. A civilian witness could have
23 seen the whole thing.

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W554 King County Courthouse
516 Third Avenue
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(206) 296-9000, FAX (206) 296-0955

1 OFC GORDILLO: It could have been. Or there could have been no witnesses. I don't—...

2 ATD PARROTTA: Yeah.

3 OFC GORDILLO: I don't know. Like I—like I said I was preoccupied I guess with the fact
4 that Officer Myers had just broken his ankle and the fact that I still
5 hadn't located the heroin. The fact that I had just been punched and was
6 trying to downplay it and say I'm fine. The commotion of it all was
7 overwhelming, having just been assaulted.

8 ATD PARROTTA: And how long did you continue to um investigate the initial s—
9 investigation before you terminated that investigation? So we know you
10 went and looked in a couple of alleys. Got on your bike. How long did
11 that take approximately?

12 OFC GORDILLO: Uh, that's hard for me say. I would guess ten minutes. If you ask me
13 tomorrow maybe I'd guess fifteen. Maybe I'd guess five. I don't have a
14 decent perception of time immediately afterwards.

15 ATD PARROTTA: At some point did you go to the hospital?

16 OFC GORDILLO: I did.

17 ATD PARROTTA: Um, roughly how long after the incident did you go to the hospital?

18 OFC GORDILLO: Hours later.

19 ATD PARROTTA: Hours later?

20 OFC GORDILLO: Yeah.

21 ATD PARROTTA: Um, did you go to the uh station and write a report first?

22 OFC GORDILLO: I started to write a report. Um, I then—as I was sitting at the computer
23 uh I was noticing that I had a headache and I was noticing that my eye

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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
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(206) 296-9000, FAX (206) 296-0955

1 was—my left eye was not um...there were some like uh...like it's hard
 2 to describe, but basically floaters or um things obscuring my vision in—
 3 in my left eye at the time. And um these were distinct from the flashes
 4 of light I had seen when I was immediately punched. Those were
 5 distinct from that initial like you know burst. That—and uh I was sort of
 6 having trouble figuring out what was goin' on with it. So I—I asked um
 7 another officer—I—I don't re—a sergeant I don't remember to call for
 8 fire. Fire looked at me at the west precinct and they looked in my eye
 9 and they said they didn't see anything in my eye but they could—I could
 10 go to the hospital if I wanted. And at the time I thought well it's
 11 probably just—you know it's probably nothing. It's—it's—I'm
 12 probably just still um you know experiencing adrenaline and—and um I
 13 just downplayed it and I was like, no that's fine. I'm not—I'm not
 14 gonna go. I'm not gonna go to the hospital yet. As the night continued
 15 and I realized that this change in my visual field wasn't um—wasn't
 16 getting better. In fact, it was sort of changing 'cause I was even more
 17 aware of the multiple um floaters or objects that I was seeing in—in my
 18 vision. And um uh it was kind of uh—like uh shaded. I felt like it—I
 19 was—like it was a little darker, if that makes sense, looking out of that
 20 eye. Then I um decided to go to the Harborview emergency room. I'd
 21 also um been experiencing pain in my uh left elbow and I was worried
 22 that when Canty had pulled me to the—to the sidewalk that it—it might
 23 have fractured or there might be something goin' on there. So...

24
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 W554 King County Courthouse
 516 Third Avenue
 Seattle, Washington 98104
 (206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: And um I—I notice in your re—correct me if I'm wrong. I notice in
2 your report uh you stated somewhere that you had been hit in the head
3 earlier during the year in a...
4 OFC GORDILLO: Yeah.
5 ATD PARROTTA: different incident.
6 OFC GORDILLO: I had been.
7 ATD PARROTTA: Okay. Was—were you hit on the same side of the head or was it a
8 different side?
9 OFC GORDILLO: Um...I'm trying to remember. I think it was the same side. But I'm...
10 ATD PARROTTA: And—...
11 OFC GORDILLO: not sure about that. No. Actually I think it was the right side. I'm not
12 positive. I'm not—...
13 ATD PARROTTA: Not positive. Do you remember how long prior to this incident that
14 happened? Approximately. I'm not lookin' for exact dates.
15 OFC GORDILLO: my guess would be May. But that's a guess.
16 ATD PARROTTA: Yeah. Okay. And uh you played rugby?
17 OFC GORDILLO: I did.
18 ATD PARROTTA: Okay. And you uh suffered uh at least one concussion playing rugby?
19 OFC GORDILLO: Yeah.
20 ATD PARROTTA: Did you suffer more one concussion?
21 OFC GORDILLO: No.
22 ATD PARROTTA: And how long did you play rugby for?
23 OFC GORDILLO: Um, about two years.

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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: Two years. Uh, was that high school, college?

2 OFC GORDILLO: College.

3 ATD PARROTTA: College. And um rugby—part of playing rugby uh is learning how to
4 tackle. Is that correct?

5 OFC GORDILLO: Yeah.

6 ATD PARROTTA: Okay. And um what position did you play?

7 OFC GORDILLO: Loose forward most of the time.

8 ATD PARROTTA: Loose forward. And did you have any floaters in your eyes prior to this
9 incident?

10 OFC GORDILLO: Um, I have a floater in my right eye. Very small. Um, hold on. Look at
11 something white to give you the...that's the...uh it's like the thread like
12 floater to my right eye.

13 ATD PARROTTA: You got a floater in your right eye?

14 OFC GORDILLO: I've had.

15 ATD PARROTTA: Yeah.

16 OFC GORDILLO: As long as I can remember.

17 ATD PARROTTA: Me too. Um and you've seen um an ophthalmologist?

18 OFC GORDILLO: Yes.

19 ATD PARROTTA: Okay. And uh are you currently wearing contact lenses?

20 OFC GORDILLO: No.

21 ATD PARROTTA: Um, are you currently using glasses for anything?

22 OFC GORDILLO: No.

23 ATD PARROTTA: Are you back on regular duty?

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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 OFC GORDILLO: I am.

2 ATD PARROTTA: Uh, how long after this incident did you go back to regular duty?

3 OFC GORDILLO: Mm...it was more than two weeks. But the specific date, yeah I'd have
4 to refer to the paperwork (unintelligible).

5 ATD PARROTTA: 'Kay. Are—are—do you have any driving restrictions regarding your
6 eyesight?

7 OFC GORDILLO: I do not.

8 ATD PARROTTA: Do you ha—uh do you have any um restrictions not to ride a—a bicycle
9 because of your eyesight?

10 OFC GORDILLO: I do not. Would you like me describe the impairment on my eyesight
11 'cause you're sort of dancing around it?

12 ATD PARROTTA: Sure.

13 OFC GORDILLO: So there's—as I understand from speaking with my ophthalmologist
14 there's a section of the eye um in the rear of the eye um which is
15 composed of a membrane called the vitreous. I have been diagnosed
16 with posterior vitreous detachment in my left eye o—only. And as I
17 understand it that means that the membrane has separated—or a
18 membrane in the—in the—in the back of my eye has separated from I
19 believe the optic—optic nerve. Um, in that area there is a—a fluid and
20 there is um—the—the membrane has separated and—and the floaters or
21 disturbances that I see in my visual field are um sort of debris that is in
22 that fluid um as a result of the membrane separating. Um, I experience
23 that as floaters in my visual field and—and my ophthalmologist has

24
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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 informed me that that um dis—uh decrease in my um vision is—is
 2 permanent. That while there are at least there is one surgery available
 3 for this problem, it involves draining the eyeball and putting synthetic
 4 um fluid in there and it is so—um the—the risks so outweigh the
 5 benefits that it's—it's not really an option in my case. So as a result of
 6 Canty—Canty punching me I have uh a—a decrease in vision in my left
 7 eye and it's substantially effects my enjoyment of a lot of things that I
 8 enjoy. For example, reading is perhaps where I notice it most because
 9 it's a detail oriented task directly in front of me, and as my eyes scan the
 10 page I see these relatively large floaters, most like islands. And they're
 11 sort of darker than—than the rest of my vision and they dance about the
 12 page. Um, I've also experienced headaches as a result of uh Canty's
 13 punch. Um, the...the disturbances in my—in my left eye I see them all
 14 the time. They're less noticeable if I'm not completing a task that's sort
 15 of detail oriented or I'm not like focused directly. Um and—and I don't
 16 know why that is but—exactly, but the doctor was—my ophthalmologist
 17 was explaining to me that basically they're particulate in a fluid so the
 18 more sort of I look down or the—or if my eyes move rapidly it can cause
 19 little disturbances within that fluid and—and that's why I see the—the
 20 matter in my eye. So I can certainly ride a bike. I can drive a car. I still
 21 have uh the ability to—to pass any eye test, thank god. But I see this—
 22 these floaters all the time and they're incredibly annoying and incredibly
 23 hard to deal with. You said you had floaters yourself, so I think you
 24

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 W554 King County Courthouse
 516 Third Avenue
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 (206) 296-9000, FAX (206) 296-0955

1 might have an idea about what I'm talkin' about. But—but it would
2 largely I think depend upon the nature and extent of the floaters you
3 have.

4 ATD PARROTTA: Yeah. Yeah I had a piece of (unintelligible) in my eye. Um, uh earlier
5 when you said you wanted to describe your floaters you—you looked at
6 a blank piece of white paper. Is that correct?

7 OFC GORDILLO: I—you asked me about the other floaters. So I...

8 ATD PARROTTA: Other floaters.

9 OFC GORDILLO: closed my left eye...

10 ATD PARROTTA: Closed your eye.

11 OFC GORDILLO: and then I looked at the—...

12 ATD PARROTTA: Oh okay.

13 OFC GORDILLO: with right eye.

14 ATD PARROTTA: With the right eye.

15 OFC GORDILLO: 'Cause the right eye one I've had my whole life and it's—I don't frankly
16 notice that one.

17 ATD PARROTTA: Okay. And when was the last uh eye exam you had prior to this
18 incident?

19 OFC GORDILLO: Probably when I got hired I think.

20 ATD PARROTTA: Two thousand eleven? No that was uh...

21 OFC GORDILLO: Two thousand thirteen I think.

22 ATD PARROTTA: you think that was in thirteen.

23

24 TRANSCRIPT OF OFFICER CANEK GORDILLO
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W554 King County Courthouse
516 Third Avenue
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(206) 296-9000, FAX (206) 296-0955

1 OFC GORDILLO: I might have had another one, but I don't recall. I know that I—I've had
2 either twenty/fifteen or twenty/twenty vision...
3 ATD PARROTTA: That was my next...
4 OFC GORDILLO: on...
5 ATD PARROTTA: question.
6 OFC GORDILLO: every eye exam I've had.
7 ATD PARROTTA: Twenty/twenty or twenty/fifteen. And have you ever been disciplined as
8 a police officer?
9 OFC GORDILLO: I have not.
10 ATD PARROTTA: Have not. Okay. And um there—has there been any complaints uh
11 over...
12 OFC GORDILLO: Never.
13 ATD PARROTTA: excessive force?
14 OFC GORDILLO: Uh, I—those are two questions?
15 ATD PARROTTA: One question. Has there ever been any complaints for excessive force?
16 OFC GORDILLO: There have been no sustained complaints for excessive force. I don't
17 know if there's been complaints of excessive force.
18 ATD PARROTTA: When you say no sustained complaints of successi—uh successive—...
19 OFC GORDILLO: Excessive.
20 ATD PARROTTA: excessive force. Uh, what do you mean by that?
21 OFC GORDILLO: Um, I'm probably not the best person to talk about how OPA works
22 because I've had almost no contact with OPA. But my understanding is
23 that OPA will do an evaluation of the case sort of up front. An
24

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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 evaluation might immediately dispose of the case. For example, if they
2 sort of dispositively prove that there's no contact whatsoever. Or maybe
3 the wrong officer or—you know some—I don't know. But one of the
4 paths in which an investigation can take is sustained, which would mean
5 that the complaint had some validity to it. I have never received a
6 sustained complaint for anything.

7 ATD PARROTTA: Did you review any of the police officers' reports in this case?

8 OFC GORDILLO: Yes.

9 ATD PARROTTA: Whose uh reports did you review?

10 OFC GORDILLO: Um, when I came back uh I submitted my own and I looked at
11 everything that was there.

12 ATD PARROTTA: Oh, so all other...

13 OFC GORDILLO: And...

14 ATD PARROTTA: officers' reports.

15 OFC GORDILLO: I don't know that I actually hit everyone, but I—I think I looked
16 through—I attempted to read everyone's. I don't know that I got
17 everybody's.

18 ATD PARROTTA: Are you the primary officer on this case?

19 OFC GORDILLO: No.

20 ATD PARROTTA: Who would be considered the primary...

21 OFC GORDILLO: Whoever wrote...

22 ATD PARROTTA: (unintelligible)?

23 OFC GORDILLO: the GO report.

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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 ATD PARROTTA: 'Kay. Do you have any questions?

2 INV LATOURETTE: Um, I notice you have a notepad in your pocket there. Do you take
3 notes for—on cases? Like...

4 OFC GORDILLO: I do.

5 INV LATOURETTE: inter—interactions with the public.

6 OFC GORDILLO: I do.

7 INV LATOURETTE: Do you have any—any notes from this incident?

8 OFC GORDILLO: No.

9 INV LATOURETTE: Would you have taken any?

10 OFC GORDILLO: I don't think I generated any notes.

11 INV LATOURETTE: Okay.

12 OFC GORDILLO: Usually that would—yeah.

13 INV LATOURETTE: So besides this report, your use of force report, and the review that you
14 did uh when I guess you looked for this report, have you had anything
15 else that you've been asked to do or done regarding this case or Mister
16 Canty?

17 OFC GORDILLO: Yes.

18 INV LATOURETTE: Can you describe that?

19 OFC GORDILLO: I gave a audio interview to the FIT office.

20 INV LATOURETTE: Which office?

21 ATD PARROTTA: What office?

22 OFC GORDILLO: Force Investigation Team.

23 INV LATOURETTE: When was that?

24

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W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 OFC GORDILLO: Um, I—I—when I returned to work. I think the day I returned to work
2 immediately I went and got interviewed by...

3 INV LATOURETTE: So sometime at the end of last year right? Or—or the beginning of this
4 year?

5 OFC GORDILLO: Whatever my day of return to work was. But...

6 INV LATOURETTE: Okay.

7 OFC GORDILLO: it was the same day.

8 INV LATOURETTE: 'Kay. So early in the year. And is that uh—had you ever had to do one
9 of those before?

10 OFC GORDILLO: No.

11 INV LATOURETTE: Okay. And is that um—is that an SPD team or is it a combination of
12 police and civilian or what is it then exactly and what triggers it?

13 OFC GORDILLO: Um, it is I believe in—in part a qua—a SPD team. There is an OPA
14 member in the room or was in my case. I believe that's always the case.
15 It was a statement that I was ordered to give, subject to um discipline.
16 So when—when I referred to my force statement there are two parts to
17 that. There was a written force statement and then a—an interview that
18 accompanied that.

19 INV LATOURETTE: Okay. Two-part process.

20 OFC GORDILLO: Yeah. And I think that what triggers that is an allegation of um a type
21 three use of force.

22 INV LATOURETTE: There's more questions now. I don't know what a type three use of
23 force is, so could you explain that?

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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 OFC GORDILLO: Do you—if you have internet access you can look at the Seattle Police
2 Department manual and force and you'll see that they are categorized...

3 INV LATOURETTE: Okay.

4 OFC GORDILLO: in terms of level one, two, or three. In this particular case I believe type
5 three was uh triggered 'cause Mister Carty alleged that he was knocked
6 unconscious.

7 INV LATOURETTE: Ah.

8 OFC GORDILLO: Which probably should trigger other questions for you 'cause he wasn't
9 unconscious at all from what I saw.

10 INV LATOURETTE: And so is this um—and I don't wanna beat this to death. Real quick, but
11 you do this two-part thing for the force investigation team. Is that the
12 end of it or do they make some recommendation? What happens after
13 one of these?

14 OFC GORDILLO: There's a substantial process that I believe has been agreed upon by the
15 Department of Justice and the monitoring team and that's well above my
16 pay grade.

17 INV LATOURETTE: Okay. But uh...

18 OFC GORDILLO: I'm sure that—...

19 INV LATOURETTE: from your perspective did you have to do anything else?

20 OFC GORDILLO: I don't believe it's closed.

21 INV LATOURETTE: Okay.

22
23
24
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Daniel T. Satterberg, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

Name Kyle Lydell Cartt
Dkt # 216035994
King County Correctional Facility
500 5th Ave
Seattle, WA 98104

CLERK, U.S. DISTRICT COURT
AT THE
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY



AUG 29 2017

Clerk, & Judge
Hon. James P. Donahue
U.S. District Court
U.S. District Courthouse
100 Stewart Street
Seattle WA 98101